

**9VAC25-630. Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management**  
**(Amending 9VAC25-630-10 through 9VAC25-630-90)**

**LIST OF EXHIBITS FOR PUBLIC RECORD**

Exhibit #1	Exhibit List
Exhibit #2	Notice of Intended Regulatory Action (NOIRA) Form: TH-01 (dated 08/21/2018)
Exhibit #3	3a. Director's Approval of the Technical Advisory Committee (TAC) Members (dated 02/08/19)
	3b. Director's Approval of the alternate TAC member (email dated 03/22/19)
Exhibit #4	Meeting Notes of the Technical Advisory Committee (TAC) (4a. through 4d.)
	4a. TAC Meeting (March 25, 2019)
	4b. TAC Meeting (July 18, 2019)
	4c. TAC Meeting (October 31, 2019)
	4d. TAC Meeting (January 6, 2020)
Exhibit #5	Board Memo and Attachments (5a through 5g)
	5a. Board Memo - Request to Proceed to Notice of Public Comment and Hearing on Proposed Amendments (dated 5/15/20)
	5b. Poultry Waste Regulation TAC Membership 2018 revised 3.22.19
	5c. TH08_ExemptProposed_DEQ_PWM_Reissue_2020 (dated 05/18/2020)
	5d. 9VAC25-630-10 et seq. Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management Regulation Proposed Regulation Language.41.20. with line and page numbers
	5e. Registration Statement_Poultry Growers, VPA General Permit for Poultry Waste Management, RS VPG2 eff. 12_20.with instructions
	5f. Registration Statement_Poultry Waste End-Users and Brokers, VPA General Permit for Poultry Waste Management, RS VPG2 eff. 12_20.with instructions
	5g. Poultry Litter Fact Sheet.12.2020.BKB
Exhibit #6	Authority to promulgate VPA proposed Draft Regulation Certification by the Office of the Attorney General (email dated 06/24/20)
Exhibit #7	Board Minute Authorizing Regulation for Public Comment
Exhibit #8	Public Notice for Public Hearings and Comment Period (published on August 3 & August 10, 2020 in the: Richmond Times Dispatch and (published on August 3) on the DEQ website
Exhibit #9	Hearing Officer's Opening Remarks (1 for both hearings)
Exhibit #10	Staff Presentation for Public Hearing


[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation(s)</b>	9VAC25-630
<b>Regulation title(s)</b>	Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management.
<b>Action title</b>	Reissue and amend, if necessary, the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management
<b>Date this document prepared</b>	August 21, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The intent of this action is to reissue and amend, if necessary, the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management in order to continue the general permit coverage of nearly 1000 confined poultry feeding operations. The current VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste.

### Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document. .*

---

Confined poultry feeding operation means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

Poultry waste means dry poultry litter and composted dead poultry.

## Mandate and Impetus

*Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

---

Virginia Code § 62.1-44.15 (5b) states, "All certificates issued by the Board under this chapter shall have fixed terms. ... The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years." The general permit issued through this regulation must be reissued in order to meet the requirements of § 62.1-44.17:1.1 and continue the general permit coverage of nearly 1000 confined poultry feeding operations.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

---

In 1999, the Virginia General Assembly passed House Bill 1207 (§ 62.1-44.17:1.1) establishing the Virginia Poultry Waste Management Program. The Act required the State Water Control Board to develop a regulatory program governing the storage, treatment and management of poultry waste including dry waste. Virginia Code § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program. The program established provisions for issuing general permits to confined poultry feeding operations. The regulation and general permit first became effective on December 1, 2000. The regulation and general permit was reissued for another ten-year period and became effective on December 1, 2010.

## Purpose

*Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.*

---

The purpose of this action is to reissue and amend, if necessary, the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. The current VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management

governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste.

## Substance

*Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

This action is primarily a reissuance of the existing general permit as well as amendments that may be identified following the submittal of public comments on this notice or through discussions with the Technical Advisory Committee.

## Alternatives

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

Currently, 949 confined poultry feeding operations are covered under this general permit. One alternative to the reissuance of the VPA Regulation and General Permit for Poultry Waste Management is to issue coverage under an individual VPA permit to each poultry feeding operation, which confines 200 or more animal units. However, due to the number of confined poultry feeding operations currently required to obtain coverage under a VPA permit, it is not practical to issue coverage to each operation under an individual VPA permit. Operations that do not qualify for coverage under the general permit will be issued coverage under an individual VPA permit.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## Public Participation

*Please indicate whether the agency is seeking comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.*

*Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.*

---

The agency is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. In addition, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to **Betsy Bowles, P.O. Box 1105, Richmond, Virginia 23218, phone: 804-698-4059, Fax: 804-698-4032 and [Betsy.Bowles@deq.virginia.gov](mailto:Betsy.Bowles@deq.virginia.gov)**. In order to be considered, comments must be received by 11:59 p.m. on the last day of the public comment period.

### Public hearing at proposed stage

A public hearing will be held following the publication of the proposed stage of this regulatory action, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<https://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

### Technical Advisory Committee

*A technical advisory committee will be involved in the development of the proposed regulation.*

---

The Board is using a technical advisory committee to develop a proposal. Persons interested in assisting in the development of a proposal should notify the department contact person by the end of the comment period and provide their name, address, phone number, email address and the organization you represent (if any). The primary function of the advisory committee is to develop recommended regulation amendments for Department consideration through the collaborative approach of regulatory negotiation and consensus. Multi-applications from a single company, organization, group or other entity count as one for purposes of making the decision specified in the preceding sentence. Notification of the composition of the advisory committee will be sent to all applicants.

---

### Family Impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

---

It is not anticipated that an amendment to this regulation will have any impacts on the family and family stability.

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**SUBJECT: Request for Approval of an Ad Hoc Technical Advisory Committee to Reissue and Amend, if necessary, 9VAC25-630 Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management**

**DATE: January 29, 2019**

**PURPOSE:** The Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management currently provides the general permit coverage of nearly 1000 confined poultry feeding operations. The VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste.

A Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register on October 1, 2018 indicating our intent to reissue and amend, if necessary, this regulation, and soliciting persons with an interest in the regulation to participate on a Technical Advisory Committee for regulation development prior to the public comment period. The purpose of this regulatory action is to reissue and amend, if necessary, the regulation and general permit.

The following list of names includes those who requested to be on the committee and prior to the deadline and others we chose so that the group was representative of affected stakeholders. The requests from Adrienne Kotula with the Chesapeake Bay Commission and Kevin Dunn with the Peter Francisco Soil and Water Conservation District were received after the deadline.

Upon approval of the membership list, the panel members will be notified and the first meeting scheduled. Betsy K. Bowles will be the DEQ Central Office staff member coordinating this effort. Please indicate your concurrence with the attached list of members in the space provided below.

Upon completion, please return this document to:  
Betsy K. Bowles  
17<sup>th</sup> Floor

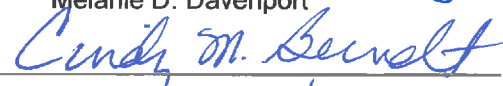
MANAGER, OFFICE OF LAND APPLICATION PROGRAMS

  
Neil R. Zahradka


DIRECTOR, DIVISION OF WATER PERMITTING

  
Melanie D. Davenport

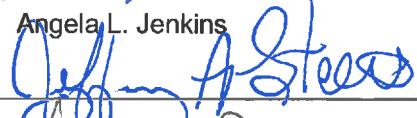
MANAGER, OFFICE OF REGULATORY AFFAIRS

  
Cindy M. Berndt

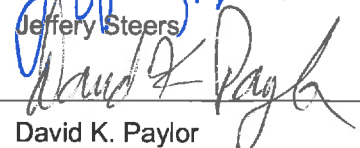
DIRECTOR, DIVISION OF POLICY

  
Angela L. Jenkins

DIRECTOR, CENTRAL OPERATIONS

  
Jeffery Steers

AGENCY DIRECTOR

  
David K. Paylor

**PROPOSED COMMITTEE MEMBERSHIP:** The following persons are recommended for the Regulation and General Permit Regulation for Poultry Waste Management Technical Advisory Committee.

Committee/Agency Lead:

Betsy K. Bowles – Animal Feeding Operations Program Coordinator

Agricultural Organization:

Hobey Bauhan – Virginia Poultry Federation  
Holly Porter – Delmarva Poultry Industry, Inc.  
Kyle Shreve – Virginia Agribusiness Council  
Tony Banks or Wilmer Stoneman – Virginia Farm Bureau

Integrator:

Doug Baxter – Tyson Foods, Inc.  
Steve Levitsky - Perdue Farms, Inc.

Farmer/ Broker/ Hauler:

Francis M. "Pete" Watson – Nottoway County Chicken Grower  
Jacki Easter – Oakdale Farm and Easter Design, Inc. – Amelia County Chicken Grower/ Poultry Waste Broker  
Mike Thompson – Round Hill Poultry LLC – Rockingham County Turkey Grower  
Jim Riddell – Georgewood Farm – Louisa County Farmer/ Poultry Waste End-User/ Agronomist/ Retired  
Extension Agent

Other Government Entity:

Kevin Dunn – Peter Francisco SWCD - Buckingham & Cumberland Counties/ Buckingham County Poultry Grower  
Adrienne Kotula – Chesapeake Bay Commission

Environmental:

Joe Wood or Peggy Sanner or Jay Ford – Chesapeake Bay Foundation  
Mark Frondof – Shenandoah Riverkeeper

---

Technical Support to TAC from Other State Agencies:

DCR: Darryl Glover, Robert Long  
VDACS: Darrell Marshall



est to approve an alternate TAC member for VPA Regulation and General Permit for Poultry Waste Management

From: Bowles, Betsy <betsy.bowles@deq.virginia.gov>  
Sent: Friday, March 22, 2019 1:17 PM  
To: Paylor, David  
Cc: Davenport, Melanie (DEQ); Neil Zahradka; Berndt, Cindy  
Subject: Re: Request to approve an alternate TAC member for VPA Regulation and General Permit for Poultry Waste Management

Thank you, have a great weekend.  
Betsy

On Fri, Mar 22, 2019 at 1:14 PM Paylor, David <david.paylor@deq.virginia.gov> wrote:  
ok

David K. Paylor  
804-698-4020

On Fri, Mar 22, 2019 at 12:19 PM Bowles, Betsy <betsy.bowles@deq.virginia.gov> wrote:

Good Afternoon Mr. Paylor,  
I have the first Technical Advisory Committee (TAC) meeting on Monday, March 25th to work on the VPA Regulation and General Permit for Poultry Waste Management.

I was just informed that one of my Technical Advisory Committee members will not be able to make my TAC meeting on Monday. Mr. Mark Frondorf, the Shenandoah Riverkeeper, has asked that Mr. Phillip Musegaas of the Potomac Riverkeeper Network's attend in his place.

By this email, I am requesting for your approval to add Mr. Musegaas as an alternate for Mr. Frondorf on the TAC.

Thank you,  
Betsy

--

Betsy K. Bowles  
State Program Coordinator  
Animal Feeding Operations - Concentrated Animal Feeding Operations - Animal Waste  
Commonwealth of Virginia, Department of Environmental Quality  
804-698-4059 direct line  
804-698-4032 fax  
betsy.bowles@deq.virginia.gov

Mailing Address:  
P.O. Box 1105  
Suite 1400

Office Location:  
1111 East Main Street,

est to approve an alternate TAC member for VPA Regulation and General Permit for Poultry Waste Management  
Richmond, VA 23218 Richmond, Virginia 23219

Program Websites: Livestock and Poultry; Virginia Poultry Waste Management;  
Agriculture

--

Betsy K. Bowles  
State Program Coordinator  
Animal Feeding Operations - Concentrated Animal Feeding Operations - Animal Waste  
Commonwealth of Virginia, Department of Environmental Quality  
804-698-4059 direct line  
804-698-4032 fax  
betsy.bowles@deq.virginia.gov

Mailing Address:  
P.O. Box 1105  
Suite 1400  
Richmond, VA 23218

Office Location:  
1111 East Main Street,  
Richmond, Virginia 23219

Program Websites: Livestock and Poultry; Virginia Poultry Waste Management;  
Agriculture

# Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management

## Technical Advisory Committee Meeting

March 25, 2019 - 9:30 A.M.

Virginia Farm Bureau Federation Office – Auditorium

Meeting Notes from Technical Advisory Committee Meeting

### Meeting Attendees

<b>TAC Members</b>	<b>Representing</b>
Tony Banks	Virginia Farm Bureau
Hobey Bauhan	Virginia Poultry Federation
Doug Baxter	Tyson Foods, Inc.
Betsy Bowles	Department of Environmental Quality
Kevin Dunn	Peter Francisco SWCD/ Poultry Grower
Jacki Easter	Poultry Grower/ Poultry Waste Broker
Adrienne Kotula	Chesapeake Bay Commission
Seth Mullins (technical support)	Department of Conservation and Recreation
Phillip Musegaas (alternate for Mark Frondorf)	Shenandoah Riverkeeper/ Potomac Riverkeeper Network
Mark Patterson (alternate for Steve Levitsky)	Perdue Foods
Holly Porter	Delmarva Poultry Industry, Inc.
James E. Riddell	Poultry Waste End-User/ Agronomist
Kyle Shreve	Virginia Agribusiness Council
Michael Thompson	Poultry Grower
Pete Watson	Poultry Grower
Joe Wood	Chesapeake Bay Foundation
Darrell Marshall (technical support)	Virginia Department of Agriculture and Consumer Services

<b>Others Present</b>	<b>Representing</b>
Michelle Ashworth	Aqua Law
Stefanie Kitchen	VA Farm Bureau
Peggy Sanner	Chesapeake Bay Foundation

<b>DEQ Staff Present</b>
Melanie Davenport
Drew Hammond
Craig Nicol
Bob Peer
Neil Zahradka

## Welcome and Introductions

The meeting was opened at 9:40 AM by Betsy Bowles, the Animal Feeding Operations Program Coordinator for the State and Technical Advisory Committee Lead. Betsy began the meeting by welcoming the group and thanking the committee members for devoting the time to participating in this process. Betsy introduced Tony Banks and thanked the Farm Bureau for allowing us to use their facilities for the meeting and for providing refreshments.

Tony Banks provided instructions for meeting space logistics, lunch, and emergency procedures.

Betsy Bowles introduced the DEQ staff and asked the TAC members and members of the public to introduce themselves.

## TAC Meeting Protocol

Betsy reviewed the TAC meeting protocols, ground rules for meetings, and the Freedom of Information Act requirements for TAC members. Handouts were provided.

1. Set your cell phones either in the off position or on "vibrate" so as not to disrupt the discussions of the TAC. Take and make all calls outside of the meeting room.
2. Listen with an open mind and heart – it allows deeper understanding and, therefore, progress.
3. Speak one at a time; interruptions and side conversations are distracting and disrespectful to the speaker. "Caucus" or private conversations between members of the audience and people at the table may take place during breaks or at lunch, not during the work of the group.
4. Be concise and try to speak only once on a particular issue, unless you have new or different information to share.
5. Simply note your agreement with what someone else has said if you feel that it is important to do so; it is not necessary to repeat it.
6. If you miss a meeting, get up to speed before the next one, as the TAC cannot afford the luxury of starting over.
7. Focus on the issue, not the speaker – personalizing makes it impossible to listen effectively.
8. Present options for solutions at the same time you present the problems you see.
9. Review materials to be discussed prior to meetings so you are prepared to participate in the discussion. Do not assume that the RAP will revisit issues previously discussed at later meetings.
10. Stay positive; despairing of the group's inability to reach agreement will almost certainly make it so.
11. Refrain from emailing other members of the TAC, as this could be considered a meeting of TAC members. Emailing one on one, does not constitute a meeting of the TAC members.

## Regulatory Process for VPA General Permit Regulations

Betsy reviewed the regulatory process and explained where we are in the process for this regulatory action. She explained that the process began with the Notice of Intended Regulatory Action (NOIRA). The input of the public through a 30 day comment period including the

formation of a Technical Advisory Committee. The next stage is to develop proposed regulation language that will be presented to the State Water Control Board (SWCB) for approval. Following this approval, the proposed language will then be published with a 60 day comment period along with at least one public hearing. The final stage is the final regulation language is presented to the SWCB for approval. The final language is then published in the VA Register, the regulation becomes effective at least 30 days after the publication in the Register.

In response to a request from a TAC member, Betsy agreed to provide a copy of the PowerPoint presentations to TAC members following the meeting.

Betsy noted that the goal for number of TAC meetings will be three (3), with room for an additional meeting as necessary. The goal for completing the process will be bringing final regulatory language for consideration by the SWCB at the June 2020 meeting, and wrapping up TAC meetings by the end of calendar 2019.

### Summary of the Notice of Intended Regulatory Action (NOIRA)

Betsy provided a summary of the NOIRA. The NOIRA was published on October 1, 2018 and included a thirty day comment period that ended on October 31, 2018. The purpose of the regulatory action is to Reissue and amend, if necessary, the regulation and general permit in order to continue coverage of the permit term for another 10 year period for the nearly 950 poultry operations.

The Agency formed the Technical Advisory Committee to assist in the development of proposed regulations.

- Committee is made up of 17 members:
  - (1) DEQ Committee Lead
  - (4) Agricultural Organizations
  - (2) Integrators
  - (4) Farmers/ Broker/Hauler (entities affected by the regulation)
  - (2) Other Government Entities
  - (2) Environmental Organizations
  - And technical support staff to the TAC from Other State Agencies
    - DCR
    - VDACS

Betsy provided a summary of the comments received during the comment period for the NOIRA:

- A total of 9 commenters submitted comments.
- Comments fell into three categories:
  - Requests to be on the TAC
  - Support of the regulation as already written
  - Support to increase requirements to ensure nitrogen offsets from increases in poultry production and include air quality requirements

Betsy noted that a copy of all of the comments were provided to the Committee members via email. Copies were also handed out to the TAC members at the meeting.

## Summary of the Existing VPA Regulation and General Permit for Poultry Waste Management

Betsy summarized the history of the statutory and regulatory actions including the regulatory actions completed in 2009-2010 for the existing VPA Regulation and General Permit for Poultry Waste Management. Betsy detailed the amendments to the regulation and general permit related to the end-use of poultry waste, which became effective in 2010.

Betsy reviewed the existing requirements of the regulation and general permit for all entities that are subject to the requirements.

## Summary of the VPDES Construction General Permit as it relates to the VPA General Permits

Melanie Davenport, the Director of the Water Division at DEQ delivered a summary of the VPDES Construction Permit and the requirements.

All regulated land-disturbing activities greater than or equal to one (1) acre or less than one (1) and part of a larger common plan of development must obtain coverage under the Construction General Permit prior to land disturbance. In order to obtain permit coverage the project owner or operator must prepare a Stormwater Pollution Prevention Plan that includes a Virginia Erosion and Sediment Control Program authority-approved Erosion & Sediment Control Plan and a Virginia Stormwater Management Program authority-approved Stormwater Management Plan. The Stormwater Management Plan addresses post-construction water quantity and water quality concerns as a result of changes in land use. The best management practices employed for post-construction stormwater management are generally separate and distinct from those employed for poultry waste management.

Meeting Break - 10 minutes – reconvened @ 10:40A

## Summary of the VPDES Concentrated Animal Feeding Operations (CAFOs) Permit Program

Betsy summarized the content and requirements of the VPDES CAFO regulation, including:

- definitions of AFO and categories of CAFOs for poultry operations;
- process wastewater;
- Small CAFO definition and note that there are no Small CAFOs designated in Virginia
- In response to a comment, Betsy emphasized that just because a facility is defined as a Large CAFO, it can still be covered by a VPA permit if it does not discharge.
- the numbers of livestock and poultry operations covered by VPA and VPDES permits, emphasizing that the majority of the DEQ program is a no-discharge program;
- the duty to apply for the VPDES CAFO permit;
- differences between VPA and VPDES permits;
- specific requirements of individual CAFO permits issued by DEQ;
- recordkeeping requirements, including note regarding federal requirement for annual reporting;
- Betsy emphasized that DEQ derived a number of the requirements in the VPDES permits from the VPA general permit regulations that cover livestock and poultry operations;
- Compliance assurance procedures, including content of inspections

## Topics for Future Meetings

Betsy opened the floor to discuss topics that the TAC members would like to discuss at future meetings.

1. *Joe Wood* - Chesapeake Bay Watershed Implementation Plan (WIP)
  - Consistency and goals
  - Nutrient loads
  - Growth-offset
  - **R**= Tracking of manure
  - **\***= DEQ Presentation on WIP goals
2. *Hobey Bauhan* - **\***= Credit in Bay Model for transfer data
  - accounting –way to do it
  - Burden on regulated entities
3. *Philip Musegaas* – **R**= Recordkeeping and reporting requirements to help with the goal
4. *Joe Wood* – **R**= Discuss DEQ monitoring during inspections
  - **\***= Review of aggregate data, inspections, compliance & enforcement items from inspections
  - Evaluating the impact
  - Gaps in Data
5. *Holly Porter* – **R** **\***= Updated science related to manure uncovered for more than 14 days.
6. *Hobey-Bauhan* - **R** **\***= Look at the requirements versus in other states such as North Carolina, Delaware, & Maryland
7. *Tony Banks* – Look at technologies with different crops
  - Example-Corn yields going up and the nutrient needs would need to increase

*Seth Mullins*- noted that the nutrient needs in the NMP come from the Standards and Criteria are changes that come from DCR

*Michael Thompson*- commented that there have been many changes (increases) in the last 10 years
8. *Hobey Bauhan* – **R**= Poultry Litter Fact Sheet – look at land application spreading schedule, flexibility on the timing to spread, arbitrary months to spread
  - *Betsy Bowles* offered that the spreading schedule in the Poultry Litter Fact Sheet is not currently in line with the most recent changes to the DCR regulations (amended in 2014). Through this regulatory process and working with DCR we will achieve consistency with the DCR regulations to provide flexibility in the spreading schedule.
9. *Hobey Bauhan* – Litter generation
  - Turkey Litter Study – over estimated the turkey litter produced was significant compared to the assumptions used in the Bay Model
  - **\***= Suggested Mark Dubin could present the findings of the study
10. *Jacki Easter* – Litter amendments- look at data on how it is taken up in the soil and the plant
  - Farmers generally take more soil samples than required by the NMP and they also take plant tissue samples

*James Riddell* – stated that not all soil samples are sent to VA Tech's soil analysis lab, that there are numerous other labs that are used by VA farmers.

*Tony Banks* – stated that there has been great strides by the poultry companies to increase in the efficient utilization of the nutrients from the feed.

11. *Holly Porter* – **R=** Practices in general have changed over the years related to management practices used for the litter, how often full clean outs are done versus windrowing, crust outs, etc.
12. *Neil Zahradka* – mentioned implementation of nutrient management plan practices
  - End-User with NMPs, how does VA get credit in the model
  - How do we get the information that someone is implementing BMPs so that we can get credit in the Bay Model, for WIP where are certain practices are being implemented (**R=** end-user recordkeeping/reporting)

*Hobey Bauhan* – Is all farm land required to have an NMP, how can they monitor, does Maryland get credit in model for the NMPs

*Jacki Easter* – asked what is Maryland's definition of farm land

*Holly Porter* – 10 acres or more or 7 animal units are required to have an NMP, they have annual implementation reports (Maryland requirement)

*Hobey Bauhan* – Feel that a good bit of the litter is being applied under an NMP, but we are not capturing it

*Jacki Easter* – as a broker- 99% of the litter that they move is going to someone that has an NMP, economics plays a role in implementation – 40 years ago chicken litter was chicken waste, today poultry litter has an economic value and has a price tag because it has a nutrient value. People are not buying twice or paying twice what they need, they are not

*Michael Thompson* – crop farming these days do not allow for overapplying. Crops are genetically modified to take up the nutrients. As a producer, I cannot over apply the nutrients because it is not business sense to do so.

13. *James Riddell* – asked Seth Mullins about where DCR is in the process to have a verification process. We want credit in the model.

*Seth Mullins* – only DCR planners are verifying DCR NM planners, need to verify 10 percent of the total plan acreage

*Kevin Dunn* – Cost-Share verifying NMP and other BMPs

*Neil Zahradka* – DEQ will verify the NMP through inspections

*James Riddell* – future NMPs especially related to cost-share will be verified, will capture the information

*Neil Zahradka* – currently we are not getting practices reported

*Betsy Bowles* – reiterated that end-users must document land application records, transfer records to include where the waste is stored and how it is used and how the end-user determines the land application rate. DEQ staff retrieves transfer data from the grower.

The group discussed about the above mentioned topics during this segment of the meeting.

Betsy Bowles will bring the first drafting of the proposed changes to the regulations to include the necessary changes to the regulations such as dates of the permit term and a few changes that are necessary, as well as drafting the revised spreading schedule for the Poultry Litter Fact Sheet. The draft language will be sent to the TAC members well in advance of the next meeting.



Joe Wood mentioned that he would like to speak on the topics that he brought up.

The above topics were categorized as follows: \*=informational purposes, R=Related to the Regulation.

To conclude, if the TAC members have something to share with the group, send it to Betsy Bowles and she will distribute the information to the TAC members.

#### Action Items:

1. Betsy will arrange to have someone come and speak to the TAC members, at the next scheduled meeting, about the Watershed Implementation Plan, credit in the Bay model, verification of Best Management Practices, etc.
2. Betsy will gather and provide to the TAC members, Alternates and Interested Parties - Inspection and Compliance Data:
  - a. number of inspections in last 3-5 years
  - b. Compliance and non-compliance information from the inspections
  - c. General list of items that are observed, collected and recorded during an inspection.
3. Betsy will provide to the TAC members, Alternates and Interested Parties – a first draft of amendments to the Regulation language.
4. Betsy will obtain the study related to 14-day cover of poultry waste and provide it to the TAC members, Alternates and Interested Parties.
5. Betsy will summarize and provide to the TAC members, Alternates and Interested Parties – Summary of requirements of other states such as North Carolina, Delaware, & Maryland (Holly Porter offered to assist with two of the three states)

#### Public Participation

No comments were offered.

#### Set Next Meeting Dates (Future Meeting Locations TBD)

Betsy Bowles suggested that the next meeting date could be determined by using the Doodle Poll again. Betsy Bowles will set up and circulate another Doodle Poll to set the date for the next meeting. Once a next meeting date is determined, a location will be determined.

#### Adjourn

Betsy Bowles thanked everyone for his or her time and participation and adjourned the meeting at 12:41 PM.

# Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management

## Technical Advisory Committee Meeting

July 18, 2019 - 9:30 A.M.

Virginia Farm Bureau Federation Office – Auditorium

Meeting Notes from Technical Advisory Committee Meeting

### Meeting Attendees

<b>TAC Members</b>	<b>Representing</b>
Tony Banks	Virginia Farm Bureau
Hobey Bauhan	Virginia Poultry Federation
Doug Baxter	Tyson Foods, Inc.
Betsy Bowles	Department of Environmental Quality
Kevin Dunn	Peter Francisco SWCD/ Poultry Grower
Jacki Easter	Poultry Grower/ Poultry Waste Broker
Tim Higgs (for Darrell Marshall) (technical support)	Virginia Department of Agriculture and Consumer Services
Adrienne Kotula	Chesapeake Bay Commission
Seth Mullins (technical support)	Department of Conservation and Recreation
Phillip Musegaas (alternate for Mark Frondorf)	Shenandoah Riverkeeper/ Potomac Riverkeeper Network
Mark Patterson (alternate for Steve Levitsky)	Perdue Foods
James E. Riddell	Poultry Waste End-User/ Agronomist
Kyle Shreve	Virginia Agribusiness Council
Pete Watson	Poultry Grower
Joe Wood	Chesapeake Bay Foundation

<b>Others Present</b>	<b>Representing</b>
Sarah Vogelsong	VA Mercury
Michelle Ashworth	Aqua Law
Hannah Brubach	Environmental Action Center

<b>DEQ Staff Present</b>
Drew Hammond
Craig Nicol
Neil Zahradka

### Absent TAC Members

<b>TAC Members</b>	<b>Representing</b>
Holly Porter	Delmarva Poultry Industry, Inc.
Michael Thompson	Poultry Grower

## Welcome and Introductions

The meeting was opened at 9:37 AM by Betsy Bowles, the Animal Feeding Operations Program Coordinator for the State and Technical Advisory Committee Lead. Betsy began the meeting by welcoming the group and thanking the committee members for devoting the time to participating in this process.

Betsy introduced Tony Banks with Farm Bureau and thanked Tony for allowing the Committee to use the Farm Bureau facilities and for providing refreshments. Tony Banks provided instructions for meeting space logistics and emergency procedures. Betsy Bowles introduced the DEQ staff and asked the TAC members and members of the public to introduce themselves.

Betsy reviewed the TAC meeting protocols.

## Final Call for Comments from TAC Members on (3/25) Meeting Notes

Betsy asked the group if anyone had any comments or revisions on the meeting notes that she had distributed by email prior to today's meeting. No one from the group offered comments or edits.

## Watershed Implementation Plan, Credit in the Bay model, Verification of Best Management Practices Presentation

James Davis-Martin delivered a powerpoint presentation related to the Chesapeake Bay WIP. The presentation is attached to these, comments below are specific to the slides from the presentation. A question was raised regarding the methodology used by the CB Program to forecast the 2025 poultry populations. James explained that the Bay Program uses historical trends to forecast, and that improvements to the actual forecasts could be improved by additional data from industry. James explained that the methodology emphasizes more recent census data, but the numbers are not constrained by current poultry industry processing capacity.

Slide 4: represented the top six poultry producing counties. The group discussed the importance of knowing whether litter that is land applied within counties that are not entirely inside or outside the Bay watershed, is actually applied in or out of the watershed, because the Bay model splits the amount proportionally based on land area, not physical locations of the farms or land application area. A request was made to provide the actual Bay model numbers available in each county rather than only a percentage.

Slide 5: James noted that there are opportunities to work with the poultry industry to refine the accounting of Best Management Practices (BMPs) that are implemented voluntarily. James explained that the majority of BMP implementation rates are based on cost-share program data. A question was raised regarding methodologies to capture voluntary practices, including the potential for DEQ inspections to capture data. James indicated DEQ was interested in additional opportunities to capture BMP implementation and verify implementation. The group discussed the challenges associated with verifying practice implementation. James asked if anyone was aware of Virginia growers implementing "mortality freezers". The group indicated there is a company in Delaware which provides the turnkey service, and that it is not yet widely adopted in Virginia. Betsy mentioned there is a producer on the shore that is looking into the practice.

Slide 6: a question was asked regarding the projection of needing to transport 89,000 tons of litter, and James clarified that the goal is based on the 2025 projection of poultry populations.

Thus, the accuracy of the transport need is dependent upon the accuracy of the population estimate.

Slide 7: a question was asked regarding clarifying the last sentence in the draft WIP. Neil Zahradka explained that the reporting requirements should not impede the movement of litter to areas that would benefit from the additional phosphorous available in poultry litter. The group discussed the value of the poultry grower providing litter transfer data to DEQ annually versus only during inspections. A question was asked regarding the proportion of litter transferred by brokers versus directly by growers. A member of the group suggested that the growers would be more likely to provide the data when requested by DEQ rather than having an obligation to report on a certain date every year. DEQ reports data into the model once each year in December for the period beginning in July 1-June 30. Litter transport is a one-year BMP. Once the Bay Program finalizes the progress run, the Bay Program does not update the progress run. Litter transport only counts for the year that it is done.

Questions were asked as to what verification would be needed for the Bay program to accept litter transfer data reported. James explained that in general, a regulatory requirement to provide data is a disincentive to falsify data, thus the regulatory requirement assists in verifying the validity of the data. Drew Hammond noted the similarity with a wastewater plant submitting discharge monitoring reports that becomes part of the Chesapeake Bay nutrient loading data. Betsy Bowles stated that thus far, the grower and broker records that DEQ obtains have been adequate to report the transport data to the Bay Program. Neil Zahradka restated that the grower records would be sufficient to verify destination of litter (i.e transport outside of Bay watershed), if verification of nutrient management practice is desired, additional records may be necessary. Betsy Bowles pointed out that the transport data and the nutrient management practices are two separate BMPs in the Bay model.

James Davis Martin raised the idea if there was an online tool or portal with a log in that could be used to upload your transport data. There was concern for those that do not have a computer or are not technically inclined to upload the data. Several members of the group suggested that it would not be a problem for the growers to submit transfer data electronically on a regular basis.

Joe Wood stated that a 50% reduction in nutrients that we have already received in the model from loads coming from feeding spaces. Joe said that there was substantial credit already given on the feeding spaces. Joe asked James if that sounded right, James stated that he had not looked the numbers. Joe said there are BMPs that are captured through this permit program that are being credited in the model. James agreed that we are capturing many BMPs. James said that he believed Joe's analysis is isolating the feeding spaces and that a lot of the BMPs used on the feeding space do not eliminate the nutrients but only moves the nutrients from the feeding space to the field. Joe made another point that if DEQ could capture and send the BMP data that is already out there to the model more efficiently that would allow us to have a better understanding of where the manure is going and that we could get some credit for that. His third point was that something that Neil said was that even if we were to do that if we do not have the end-user reporting that we would not receive the credit for a piece of that. James said that was not necessarily true, we do not need end-user reporting to know that if (example) someone installed a cover crop through cost-share program. Joe asked Neil to re-explain what he said earlier. Neil said what James is pointing out that essentially we would use the regulatory mechanism to get those BMPs, there are certain things that are required to be done. For the

regulatory requirements, for the end-users there are certain things they have to do (example) there are four options that the end-user has to establish the rate. Neil said as James pointed out that there is a precedent to use the regulatory mechanism to get credit for the [transfer data]. Betsy pointed out that these are two separate items for the model; there is 1- [litter] transport and 2- as James had on his list a number of other BMPs. 1- Transport that is specific to this discussion, this regulation and process and 2- there is the NMP and other BMPs such as waste storage. The verification process cannot be settled here in this process. Betsy further pointed out that currently the data that we already receive from the grower and broker have been sufficient to report to the model and to receive credit for the manure transport.

A comment was made that NMP implementation is covered by DCR's verification program and that additional verification through the regulatory program would not be necessary. Betsy emphasized that what degree of verification would be necessary to get end-user credit for NMP practices will be a negotiation between DEQ (and possibly DCR) and EPA.

Betsy explained that a number of internal DEQ procedures are being evaluated to streamline reporting and data handling to effect timely data receipt and submission to the Bay Program. A question was asked as to whether or not the poultry regulations would need to change in order for DEQ to get the data needed. Betsy explained that the regulation language would need to be revised to change to the reporting frequency from the brokers, but that no regulatory changes would be necessary for DEQ to request data from the growers on a regular basis. Betsy was asked whether the regulation would need to be changed to allow for submittal through an on-line portal. Betsy stated that a change to the language to allow for the submittal through an on-line portal would be beneficial.

A comment was made that it would be a missed opportunity to gather BMP implementation data if the end-users are not required to report their nutrient management practices. Subsequent comments suggested that a large proportion of end-users have NMPs and that use would be verified through the DCR program. Consideration to not discourage the transfer of litter due to reporting requirements was again emphasized by other committee members.

A question was asked as to whether DEQ could get model credit for the end-user practices less than NMP implementation. Betsy noted that discussions with the Bay Program staff in this regard have been discussed.

A comment was made that if the number of end-users utilizing an NMP is high, that perhaps consideration to make it NMP implementation mandatory to receive litter. Betsy emphasized historic regulatory discussions that resulted in the four nutrient management options that strike a balance between encouraging litter utilization by end-users using safe, acceptable agronomic practices and the risk of not moving the litter away from the site of generation.

A comment was made that the value of the economic benefit of using poultry litter has the potential to overcome any disincentives produced by regulatory reporting.

The group discussed the mechanisms to get the most implementation of BMPs, and whether or not regulatory changes are necessary to force the implementation, or if reporting requirements would provide data showing that implementation rates are what they need to be to meet WIP goals.

Betsy provided more background regarding verification discussions with the Chesapeake Bay program, including the potential to inspect a percentage of end-users in order to get credit for the nutrient management and litter storage practices that the regulation requires.

### Summary of Inspection Areas and Compliance Data

Betsy provided information related to poultry inspections and compliance, including types of inspections and the most common non-compliance issues found.

A suggestion was made that an annual compliance report would be valuable to the industry to know what DEQ is finding during inspections. Betsy indicated that DEQ occasionally reaches out to the Virginia Poultry Federation and integrators when certain compliance issues are seen repeatedly, and that DEQ shares overall compliance information with growers during the required training sessions.

In response to a question regarding subsequent inspections after DEQ discovers non-compliance, Betsy further elaborated on DEQ's follow-up compliance inspections. She noted that some issues (e.g. recordkeeping) would not require a follow-up inspection once the records are received by the Department.

A question was raised regarding how DEQ determines if a discharge is occurring. Betsy noted that on-site inspections are necessary in this case, and that visualizing the discharge (e.g. leachate from a storage site) or evidence of past discharges (e.g. darker green color downgradient of a storage facility indicative of nutrient enrichment) is part of the evaluation. DEQ may also use sampling when the inspector finds evidence of a discharge.

Betsy provided a handout detailing information collected during inspections. Betsy noted that due to biosecurity concerns and the need to have a facility representative present during the inspection, DEQ will typically contact the owner to schedule the date and time of the inspection.

In response to a question, Betsy summarized the minimum qualifications of DEQ inspectors, including nutrient management planner certification, and noted the long tenure of the majority of animal waste inspectors. She also noted that DEQ provides training as needed to ensure that inspectors are looking for the appropriate issues to ensure compliance with the permits and regulations.

### Current VPA GP Storage Requirements

Betsy summarized the poultry waste storage requirements affecting each of the entities in preparation for the temporary stockpiling study topic.

### Discuss Temporary Stockpiling of Poultry Litter Study

Betsy summarized the results of the study regarding litter storage, noting that the study evaluated nutrient loss related to different storage conditions in the coastal plain. Management of the pile characteristics were critical to avoiding nutrient loss. A suggestion was made that following proper shaping and locating of the piles could be an option as an alternative to covering the litter pile. A comment was made that the downside to covering with a tarpeline is the condensation that occurs and creates a management challenge due to the additional moisture on the litter. A suggestion was made that location and shaping could be made an option in the first 30 days, and that covering would be required after that. The group discussed what the appropriate setback would be from surface waters for a properly shaped pile. Some

comments were made that the storage setback should be the same as the land application setback.

It was suggested that DEQ provide draft language that would authorize storage of properly shaped and located piles as an alternative to covering. Betsy indicated she would draft the option and present it to the group for evaluation prior to the next meeting.

### Summary of Comparison of Other States to Virginia's Requirements Related to Storage, NMPs, Recordkeeping, and Brokers/End-Users/Haulers

Betsy discussed the information provided in the comparison table and asked the group if there were any areas that the group wanted to explore, or if there were any requirements from other states that Virginia should consider adopting. The group responded that it was good information to use as comparison. No one suggested any particular changes based on other states' requirements.

### Discuss Poultry Waste Transfer Recordkeeping and Reporting Requirements

Betsy explained the poultry waste transfer information required to be recorded by each of the three entities when transferring 10 tons or more poultry waste in a 365-day period. Betsy stated that DEQ has the authority in the current regulation to obtain these records at any time from each of the entities. The technical regulations are documented in the Poultry Litter Fact Sheet which is required to be provided to the broker and the end-user when the litter transaction occurs. The recipient of the litter is required to sign a certification statement that says they received the litter, the litter analysis and the poultry litter fact sheet.

A question was asked regarding how often or how DEQ used the nearest stream or waterbody information. Betsy indicated that DEQ Water Planning staff has used this information to identify litter transfers into particular named watersheds. The group discussed the difficulty in obtaining accurate data for this requirement. Betsy noted that during the regulatory action to add end-use requirements the language was amended adding "if known" to the waterbody record item. It was noted that this data point may not be very accurate information.

Betsy noted that the excerpts from the regulations specific to the Entity:

#### Growers

9VAC25-630-50 Part I B 4 d. states: Poultry growers shall maintain the [transfer] records required by Part I B 4 a, b, and c for at least three years after the transaction and shall make them available to department personnel upon request.

#### Brokers

9VAC25-630-60 D. states: Poultry waste brokers shall submit copies of the records required by subsection C of this section, to the department annually using a form approved by the department. Records for the preceding calendar year shall be submitted to the department not later than February 15. Poultry waste brokers shall maintain the records required by subsection C of this section for at least three years and make them available to department personnel upon request.

#### End-Users

9VAC25-630-70 A states:

Records regarding poultry waste transfers shall be maintained on site for a period of three years after the transaction. All records shall be made available to department personnel upon request. Records regarding land application of poultry waste shall be maintained on site for a period of three years after the recorded application is made. All records shall be made available to department personnel upon request.

A question was asked as to why the litter broker is the only entity required to report information to DEQ. Betsy noted the balance struck between what data was necessary to track destinations of the transferred litter and assignment of regulatory requirements. Betsy also noted that at the point the regulations were last promulgated, DEQ was conducting annual inspections and there was no need at that time to have the permitted growers report the information. Betsy stated that it is encouraged to have staff request the data from the grower yearly especially if the operation is not inspected yearly. It was further clarified by the member who asked the question that they were not implying they needed reporting from all of them.

### Summary of Draft Proposed Revisions to Regulation

Betsy discussed some highlights of the minimum regulatory changes DEQ has identified. Betsy noted that most of the changes were administrative (e.g. effective dates and correcting citations), but also noted the addition of procedures DEQ uses to identify the floodplain, and clarifying housekeeping requirements necessary to avoid discharges (e.g. concrete end pads and ventilation fans). Betsy explained that she created a new subsection to reorganize the existing special conditions to facilitate the permittee to understand better and find the conditions easier. The original subsection has been changed to include only the site conditions and the training requirement and the new subsection is specific to include only the poultry waste transfer and utilization conditions. Betsy also noted the citation changes necessary to ensure nutrient management plan requirements for spreading schedules and those required for end-users are consistent. Betsy asked the members if they had any additional changes to make to the draft proposed language.

A question was asked regarding DEQ's take-away from the discussion of litter transfer recordkeeping. Betsy noted that the only definitive change that she heard from the earlier discussion was to change the timing of the broker reporting to align with Chesapeake Bay Program reporting. A question was asked as to whether or not the bar that James Davis-Martin described regarding the value of a regulatory requirement as being the basis for an accurate record was met if the poultry grower is not required to report the information annually. Neil reiterated that the regulatory requirement exists in the current requirement for poultry growers and end-users are required to maintain certain records regarding litter transfer and utilization records. DEQ currently has the authority to gather the information necessary to close the litter transfer reporting gap.

A comment was made that it would be beneficial to the Department that we get the end-use land application rate method because end-users using a method other than an NMP is not captured by DCR's NMP implementation verification program. Neil emphasized that if the Bay Program made available an option to get credit for the other nutrient management practices, the end-users are currently required to maintain the information in their records and DEQ has



the authority currently to obtain the records if it were found to be useful in meeting Chesapeake Bay WIP goals.

The group further discussed the issues associated with accurately reporting litter movement when records from multiple sources is compared, such as double counting litter movement, and the attention that DEQ will give to these issues as reporting tools are developed.

A comment was made that further emphasized the value of capturing as much data as possible (including voluntary practices) through DEQ inspections that can be used to verify BMP implementation for WIP goals.

Betsy noted that DEQ will further investigate what is necessary to obtain credit for practices that do not meet the definition of full NMP, and internal DEQ practices to gain the transfer information.

### Public Participation

Hannah Brubach stated that she would like there to be more opportunity for public review of the NMP, a second set of eyes, during the permit issuance process that the public notification be more broad than just notification of the adjoining landowners.

### Next Meeting Location and Date (to be set via DoodlePoll)

Betsy stated that the next meeting date will be determined by using a Doodle Poll again.

### Adjourn

Betsy thanked everyone for their time and participation and adjourned the meeting at 4:02 PM.

### Action Items:

1. James Martin will produce the actual Bay model numbers related to slide 4 versus the percentages as requested by members of the TAC.
2. Betsy will send the actual numbers (from James) to the TAC members, Alternates and Interested Parties
3. Betsy will provide to the TAC members, Alternates and Interested Parties – a second draft of amendments to the Regulation language to include:
  - a. New options for litter storage, and
  - b. Revisions to broker reporting language (technical regulations)





# Virginia's WIP, the Bay Model and Poultry

---

James Martin

Chesapeake Bay Program Manager

Virginia Department of Environmental Quality

7/18/2019

# Virginia's Poultry Population

- Broiler population
  - 2018 – 272.49 million, 1.55 million AU
  - 2025 Forecast – 293.55 million, 1.67 million AU
- Layer Population
  - 2018 – 2.54 million, 10,000 AU
  - 2025 Forecast – 2.69 million, 11,000 AU
- Pullet Population
  - 2018 – 905,000, 2,500 AU
  - 2025 Forecast – 883,000, 2,500 AU
- Turkey Population
  - 2018 – 16.89 million, 441,000 AU
  - 2025 Forecast – 16.15 million, 421,000 AU

## High Poultry Counties (Bay Watershed only)

Counties	Percent of Poultry	Percent of Agricultural Land
Rockingham, VA	33.7%	6.9%
Accomack, VA	14.9%	1.5%
Augusta, VA	14.1%	7.7%
Page, VA	13.9%	1.9%
Shenandoah, VA	7.5%	3.9%
Amelia, VA	5.5%	1.7%

➤ **Six Counties have almost 90% of Poultry in Virginia's Bay Watershed**

# Poultry Related BMPs

- **Agricultural Nutrient Management**
- **Animal Waste Management System**
  - Biofilters
  - Broiler Mortality Freezers
  - Manure Compost (8 varieties)
- Manure Incorporation (4 varieties)
- Manure Injection
- **Manure Transport**
  - Manure Treatment (11 varieties)
- Mortality Composters
- Poultry Litter Amendments (alum, for example)

# Virginia's Draft WIP III – Poultry Initiatives

## *Expand poultry litter transport in the Chesapeake Bay*

The Phase III WIP will include a strategy to increase the number of eligible counties for DCR's Poultry Litter Transport Program from two to five, and to increase the amount of litter transported from these counties from 5,000-6,000 tons per year to 89,000 tons per year. This will directly decrease nutrient loads attributed to land-applied animal manure in the Chesapeake Bay watershed. (Lead agency: DCR; target date: 2019.)

# Virginia's Draft WIP III – Poultry Initiatives

## *Expand poultry litter transport reporting*

Since 2010, the Virginia Pollution Abatement Regulation for Poultry Waste Management has required that permitted poultry growers keep certain records when they transfer more than 10 tons of poultry waste to another person in any 365-day period. Some of these records include the recipient's name and address, amount of poultry waste transferred, locality name, identification of the nearest stream in proximity to poultry waste application site, and if the recipient is or is not a poultry waste broker. DEQ collects the growers' transport records during routine inspections of permitted facilities, which occur on a risk-based frequency every one to four years. Poultry waste end-users are also required to keep records regarding land application practices. Poultry waste brokers are required to keep similar records and report them annually to DEQ.

During the regulatory process to reissue the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management, DEQ will consider options with input from a TAC to require growers and/or end-users to report certain records to DEQ. Additional reporting would bolster accuracy of modeled effects of litter transport, and offer the opportunity to verify end-user implementation of NM practices. Evaluation will include consideration of the potential to impede the movement of poultry litter to areas with nutrient deficits. (Lead agency: DEQ/Water Permitting; target date: December 1, 2020.)



# Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management

## Technical Advisory Committee Meeting

October 31, 2019 - 9:30 A.M.

DEQ - Piedmont Regional Office – Training Room

Meeting Notes from Technical Advisory Committee Meeting

### Meeting Attendees

<b>TAC Members</b>	<b>Representing</b>
Tony Banks	Virginia Farm Bureau
Hobey Bauhan	Virginia Poultry Federation
Betsy Bowles	Department of Environmental Quality
Darrell Marshall (technical support)	Virginia Department of Agriculture and Consumer Services
Adrienne Kotula	Chesapeake Bay Commission
Seth Mullins (technical support)	Department of Conservation and Recreation
Phillip Musegaas (alternate for Mark Frondorf)	Shenandoah Riverkeeper/ Potomac Riverkeeper Network
Mark Patterson (alternate for Steve Levitsky)	Perdue Foods
Holly Porter	Delmarva Poultry Industry, Inc.
James E. Riddell	Poultry Waste End-User/ Agronomist
Kyle Shreve	Virginia Agribusiness Council
Michael Thompson	Poultry Grower
Pete Watson	Poultry Grower
Joe Wood	Chesapeake Bay Foundation

<b>Others Present</b>	<b>Representing</b>
David Grandis	Office of the Attorney General

<b>DEQ Staff Present</b>	
Kevin Cline	Bob Peer
Melanie Davenport	Neil Zahradka
Drew Hammond	

### Absent TAC Members

<b>TAC Members</b>	<b>Representing</b>
Doug Baxter	Tyson Foods, Inc.
Kevin Dunn	Peter Francisco SWCD/ Poultry Grower
Jacki Easter	Poultry Grower/ Poultry Waste Broker

## Welcome and Introductions

The meeting was opened at 9:35 AM by Betsy Bowles, the Animal Feeding Operations Program Coordinator for the State and Technical Advisory Committee Lead. Betsy began the meeting by welcoming the group and thanking the committee members for devoting the time to participating in this process.

Betsy provided instructions for meeting space logistics. Betsy introduced the DEQ staff and asked the TAC members to introduce themselves.

Betsy reviewed the TAC meeting protocols.

## Final Call for Comments from TAC Members on (7/18) Meeting Notes

Betsy asked the group if anyone had any comments or revisions on the meeting notes that she had distributed by email prior to today's meeting. No one from the group offered comments or edits.

## Brief Summary of Proposed Revisions to Regulation

Betsy provided a handout "Highlights of Proposed Amendments" and summarized each item. The items are listed below.

- Added definitions
- Amended dates to continue the general permit term
- Added clarification related to determining flood plain for the purposes of siting storage
- Reorganized conditions for better clarity: Site conditions, Poultry waste transfer and utilization conditions, and Other Conditions
- Added new condition related to - site management i.e., impervious surfaces
- Added new condition related to land application in cases where an emergency threatens waste storage
- Amended storage language
- Corrected citations
- Amended Broker reporting requirements
- Added new amended storage language to the technical regulations
- Added language concerning the commercial poultry processor
- Amended Registration Statements and Fact Sheet

A question was asked regarding whether the primary substantive changes were in the three topics listed for detailed discussion. Betsy noted that was true with the exception of the language related to impervious surfaces/site management, and emergency management.

A question was asked regarding the addition of the definition of "commercial poultry processor". Betsy noted that this definition is exactly the same as that in the statute, and was brought into the regulation for clarity.

## Detailed Summary and Discussion Related to Proposed Changes to VPA GP Storage Requirements

Betsy reviewed a powerpoint diagram outlining permanent and temporary storage, and further described “option 1” (aligned with current requirements) and “option 2” (gleaned from Delaware study)

A question was asked as to if under option 2, the pile was not spread within 30 days, that the pile be transitioned to option 1. Discussion followed as to the practicality of not being able to transition into option 1, due to weather conditions that would preclude spreading, and the fact that option 1 is more protective than option 2.

A question was asked as to the basis of removing the 1” of soil. Discussion followed regarding the practicality and need to renovate the storage site.

A comment was made that option 1 would now require covering immediately versus after 14 days, and that this would not be as practical as the current regulation that allows for management of the pile during the first few days when spreading is occurring. Betsy noted that the immediate covering would not be necessary if it met option 2.

Discussion followed regarding whether litter would be stored in the field or in an area adjacent that was not in the crop field. Comments from the group indicated that both options were being used.

A question was asked as to the logic behind the 5% crust out material. DEQ staff was unaware of the basis and the study did not provide details. Some members of the group recommended deleting the 5% restriction.

The group discussed covering immediately or shaping the pile conically, and whether the two options could be combined. A question was asked regarding whether the current storage option of covering with 14 days or the proposed Option 2 was more protective. DEQ noted and some members of the group agreed that the two options seemed equally protective. Further conversation about practical management of litter from the time it is placed to the time that land application is possible.

The group discussed the intent of the 5% crust out, and the need to ensure that the surface of the conical pile is relatively smooth and free of large pieces of crust out material to ensure that the pile will crust appropriately and shed water.

A comment was made that the storage requirements be as simple to understand as possible. DEQ affirmed that simplicity assists with compliance determination as well as increasing the likelihood that the requirements will be followed.

A suggestion that items (2) stormwater and (3) groundwater separation be added to option 2 to ensure that if land application cannot occur within 30 days, that the solution is to simply cover the material. A comment was made that current practice under the existing rules has growers storing the litter in places with the groundwater separation anyway.

The group further discussed the need to remove soil under the pile. The goal of removing all residual material from the storage site was discussed, as well as the practical need of removing residual material from field areas. DEQ noted that the language needed to be refined so that it would function well for temporary piles in the field, in areas near but outside field areas, as well as areas that were used repeatedly for litter storage.

A member of the Committee commented that the practicality of storage options was important, but that the study indicated that litter storage piles were a source of nutrient loss, both in leaching and ammonia. Another member noted that the losses included in the study were low. DEQ staff noted that the storage rules are in place primarily to be able to enforce poorly managed piles, and that the impact from litter storage should be minimal due to the economic disincentive to temporary storage vs. land application as soon as practicable.

A suggestion was made to make the 180 days mandatory for all temporary storage, and to clarify that if the storage began as option 2 but became option 1 with a cover, that the total time in storage would not exceed 180 days.

In discussion regarding the 30 day limit, Seth (DCR staff) clarified that the NMP regulation restricts land application to no greater than 30 days prior to planting if the field being land applied on is “environmentally sensitive” based on NMP Standards and Criteria.

Betsy noted that she had made notes and will be adjusting language based on the discussion.

#### Detailed Summary and Discussion Related to Proposed Changes to Broker Recordkeeping and Reporting Requirements

Betsy provided a handout with a summary of the Broker Recordkeeping and Reporting Requirements and discussed the content.

Betsy noted the change for broker reporting on a State fiscal year instead of a calendar year no later than Sep 15 to accommodate CB Bay model reporting timelines.

Betsy noted the addition of the requirement to report the original sources of the waste if the waste is commingled in storage or transport. Betsy pointed out that there was already a requirement related to commingling in the regulation.

Betsy reminded the members that at this time the recordkeeping and reporting will remain on paper until the agency can manage to move to a digital or electronic means to capture the data. The regulation will not need to be changed to allow an electronic system to capture the data.

#### Detailed Summary and Discussion Related to Proposed Changes - Commercial Poultry Processors

Betsy provided a handout with a summary of the new section related to commercial poultry processor activities.

Betsy noted that the commercial poultry processors have always had a stake in the poultry waste management program, as evidenced by the requirements in the statute.

Betsy explained that she had to add a definition to the regulation, a subsection related to duty to comply. This language has not been added to the general permit section and have nothing to

do with the poultry grower or the broker, that it is strictly related to the activities of the commercial poultry processor. We know that the commercial poultry processor has to come to the farm to deliver and pick up the birds as well as deliver feed. She further explained that this section is being added to make it clear that the activities completed by the commercial poultry processor are done in a manner that does not risk the VPA permit (no-discharge); that does not risk compliance with the VPA for the poultry grower (permittee); and does not risk other required permits such as the water withdrawal permit.

A member of the Committee expressed concern regarding a contracted entity that does not meet the requirements, and with respect to 9VAC25-630-90.B., that this language may cause confusion regarding who is responsible for compliance.

Betsy read the requirements that are contained in the new section. She also stated that the new section includes the submittal of an operation and maintenance (O & M) manual by each commercial poultry processor. This allows input from the processors to the way things will be performed on the site.

A member of the Committee asked if DEQ had discussed this issue with the Office of Attorney General (OAG). David Grandis, the OAG representative, indicated that one of his roles is to review the proposed language to determine if it is within the authority of State Water Control Board. David indicated that he has not yet reviewed the proposed requirements.

Betsy stated that the intent of this section is not to cover the commercial poultry processors under a permit but to ensure that the activities completed by the processor meet the requirements of the VPA general permit (no-discharge).

A member of the Committee expressed concern regarding the impetus for these new requirements based on isolated observations, and the alternative to work it out outside of a regulation.

Betsy stated that this regulation is not just the general permit that it does contain technical regulations within the regulation but outside of the contents of the general permit. This section is a technical regulation just like the sections for poultry waste end-use and the brokers. Betsy further explained that there has been a Federal [EPA] interest in the poultry processors in the last ten years to the extent that there have been inquiries made to the processors, the inspectors ask the permitted growers about their contracts with the processors. The EPA inspectors ask the growers about the processor activities and responsibilities. Adding this section will keep the integrators (processors) on the same level so one processor is not at a disadvantage.

DEQ staff noted that another broader reason for the proposed section is in response to federal concerns, including observations by EPA inspectors regarding poultry catching and hauling, and discussions nationally about whether or not commercial poultry processors should be permitted. DEQ staff stated that as Betsy had said, the agency does not intend nor see a need to permit commercial poultry processors. Furthermore, there is value in bolstering the state program to avoid discharges and thus any need to operate under a VPDES CAFO permit.

A question was asked whether the processors will have a say in the addition of this language. Betsy reiterated that the processors have input by being on this Committee and will have input by the submittal of the O & M manuals.

A question was asked regarding the scope of the definition of poultry waste. Betsy noted that spilled feed was included because it is a nutrient source when spilled. Betsy stated that feed spilled under a bin is a nutrient laden source that needs to be cleaned up. Litter and manure spilled on the ground needs to be cleaned up. Betsy also stated that DEQ does cover oil and other fluids such as hydraulic fluids. And fluids used on the farm in relation to these activities left on the farm or spilled on the ground need to be cleaned up.

A question was asked regarding whether EPA had included any of these requirements in their NPDES CAFO general permits. Betsy noted that EPA is trying to figure out who is responsible for the activities. When EPA staff visit the farms, they ask about the activities such as cleanouts, bird placement and removal, etc. The farmers tell EPA staff that the hydraulic oil was left there or that spillage beyond the concrete pads was due to the trucks not using the pad. Betsy stated that taking care of these concerns now is the preference rather than waiting for requirements to come from the federal government.

Another question was asked regarding the inclusion of oil, and whether or not DEQ was applying this requirement broadly to other entities. Betsy further stated that the poultry waste management regulation covers nutrients and feed is definitely a nutrient. DEQ staff reiterated that the poultry waste management regulation, as with other specific activities such as biosolids, are developed because of the directives in State Water Control Law to develop regulations pertaining to these activities, and that the VPA rules include broad prohibitions against discharges to state waters, that is not limited to poultry waste (i.e. oil). Further discussion ensued regarding clarification of responsible parties (i.e. between processor and contracted entities that haul).

A question was asked if the Murphy-Brown (livestock integrator) is required to do this. DEQ staff noted that they are covered by the VPA AFO permit (a separate permit and regulation than this one). Betsy stated that there is no inclusion in the Law for the AFO general permit regulation to cover the integrators. She further stated that when issues are found on the site, the integrator has to manage the site. Additionally, the integrator has an environmental management system in place to keep these items in check.

DEQ staff noted that federal law limits EPA's restrictions to the owner of the CAFO, which is the reason why federal regulations do not cover end-users of litter. A question was raised if the processors are covered under the federal requirements. Betsy stated that they were not covered under the CAFO Rule. A follow up question was raised as to why is DEQ concerned with the stalling the federal concerns. Betsy explained that EPA can decide that the poultry grower would need a VPDES permit because of activities that they are not responsible for.

Questions were asked regarding the extent of the issue and whether it would be better resolved through education. DEQ staff responded by emphasizing that observations of this type of activity was not the only reason for inclusion, but also to bolster the state program, and that it should not be that onerous to comply with.

A member of the Committee suggested that if it strengthens the program, and it is not overly burdensome, that it should be a good idea to include.

A member of the Committee suggested that it may introduce other aspects to the commercial processor that may be burdensome.

A member of the Committee asked if this requirement would apply to other entities (e.g. fuel delivery trucks and companies that do clean-outs). Betsy noted that it would not be covered by this section; instead, it would be covered by other regulations. The group discussed the separate regulations that apply to petroleum. Betsy noted that as far as the companies or the individuals that are contracted to clean out the growing houses, the farmer has control over whether they are going to contract to them again.

One member that if it closes a loop-pole and is not a regulatory burden, does not take more inspector time and keeps EPA at bay then why not.

One member asked if the issue been identified across the state. Betsy said that we share some of the same integrators across the state. Betsy acknowledged that these integrators would have different contractors. This section promotes for a level playing field for the processors statewide.

Betsy explained that alternatively, DEQ would have to go into an agreement with each of the processors (integrators). She stated that she believed that having an education program to address the issues would not provide DEQ with the authority needed to eliminate the concerns.

Betsy stated that the addition of this section is protective of our growers, protective of the VPA program and is protective of the processors that are doing the right thing or that need a mechanism to get things corrected in the field. The processor will have the ability to have input with the O & M manual.

Another member stated they did not disagree with what Betsy is asking to be done but questions the mechanism. Betsy stated that since the regulation is now open, adding the section to the regulation is the method that she promotes. This mechanism will provide DEQ with the ability to address the issue if a processor is not following the O&M manual.

One member asked if Betsy has any ideas on addressing the concerns related to biosecurity. Betsy stated the goal was not to eliminate the ability to restrict biosecurity procedures. Betsy will look at the language to ensure that biosecurity procedures will not be hampered. The member asked if there was anything in the language to restrict the power washing of the growing houses [inside], Betsy explained that this section does not pertain to the grower and none of the language in this section was included in the contents of the general permit.

## Next Steps

Betsy stated that she will have to look at Section 90 (Commercial Poultry Processors) to revise.

Betsy stated that it is a possibility of taking the proposed language to the December State Water Control Board. If the proposed regulation does not go to the December meeting, Betsy will take

it to the spring meeting. Betsy will let the Committee know when the proposed regulation will be presented to the State Water Control Board.

#### Final Comments or Concerns from Members of the TAC

Betsy asked each of the members to voice any final concerns or comments on the draft proposed regulatory language. The following are the responses from the members.

Philip: wants to make sure about language defining commercial processor will accomplish what DEQ needs and the concerns about biosecurity

Seth: none

Tony: disinfection allowance-C&D

Mark: language needs to be more defined, potential use of water in cases of disease

Holly: adding language in commercial processor section to address biosecurity, concern that the issue of washing trucks on farms was not communicated to the industry earlier in a different mechanism other than through draft regulations; obviously know that growers must comply with the permit and would not want see that VPDES permits for the growers wished there had been more communication

Kyle: concerns with implications on the supply chain with regards to the commercial poultry processor; concurred with Holly,

Joe: reservations what is being proposed is fully consistent with the CB WIP with regard to tracking and reporting of litter, that is not going to result in something that DEQ would like to do but that DEQ does not have the resources to do it, wants to make sure that it is adequate to achieve the goal; reservations about the storage requirements not opposed of the two options for storage but he is not necessarily on board yet either, these are two places that he is comfortable but wants to think about it more

Hobey: do not want to preclude management practices with the new section; expressed thanks to DEQ's hard work on this and for thoughtful and practical solutions on a lot of this

Jim: thinks there has been a lot of give and take, simplified the storage-practical ideas; would encourage DEQ to regularly communicate (e.g. annual report) with integrators and growers, regarding violations and compliance-communication/education-it makes a difference

Mike: noted how regulation has grown and become more specific in the requirements, has noted progress

Pete: had already voiced concerns

Darrell: none

Adrienne: wants to see what the final language regarding storage, wants to make sure regulation is consistent with Bay model; feels nutrient management concern has been addressed from her viewpoint has been addressed



### Public Participation

There were no comments from the public.

### Adjourn

Betsy thanked everyone for their time and participation on the Technical Advisory Committee.  
Betsy adjourned the meeting at 12:45 PM.

### Action Items:

1. Betsy will provide to the TAC members, Alternates and Interested Parties – a final draft of amendments to the Regulation language.

# Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management

## Technical Advisory Committee Meeting

January 6, 2020 - 9:30 A.M.

DEQ - Piedmont Regional Office – Training Room

Meeting Notes from Technical Advisory Committee Meeting

### Meeting Attendees

<b>TAC Members</b>	<b>Representing</b>
Tony Banks	Virginia Farm Bureau
Hobey Bauhan	Virginia Poultry Federation
Betsy Bowles	Department of Environmental Quality
Jacki Easter	Poultry Grower/ Poultry Waste Broker
Darrell Marshall (technical support)	Virginia Department of Agriculture and Consumer Services
Seth Mullins (technical support)	Department of Conservation and Recreation
Phillip Musegaas (alternate for Mark Frondorf)	Shenandoah Riverkeeper/ Potomac Riverkeeper Network
Mark Patterson (alternate for Steve Levitsky)	Perdue Foods
Holly Porter	Delmarva Poultry Industry, Inc.
James E. Riddell	Poultry Waste End-User/ Agronomist
Kyle Shreve	Virginia Agribusiness Council
Michael Thompson	Poultry Grower
Pete Watson	Poultry Grower
Joe Wood	Chesapeake Bay Foundation

<b>Others Present</b>	<b>Representing</b>
Bud Malone	Malone Poultry Consulting

<b>DEQ Staff Present</b>	
Kevin Cline	Bob Peer
Melanie Davenport	Neil Zahradka
Craig Nicol	

### Absent TAC Members

<b>TAC Members</b>	<b>Representing</b>
Doug Baxter	Tyson Foods, Inc.
Adrienne Kotula	Chesapeake Bay Commission

## Welcome and Introductions

The meeting was opened at 9:30 AM by Betsy Bowles, the Animal Feeding Operations Program Coordinator for the State and Technical Advisory Committee Lead. Betsy began the meeting by welcoming the group and thanking the committee members for devoting the time to participating in this process. Betsy reviewed the TAC meeting protocols.

Betsy provided the meeting space logistics. Betsy introduced the DEQ staff and asked the TAC members to introduce themselves including Mr. Bud Malone.

## Final Call for Comments from TAC Members on (10/31) Meeting Notes

Betsy asked the group if anyone had any comments or revisions on the meeting notes that she had distributed by email prior to today's meeting. No one from the group offered comments or edits.

## Summary of Stockpiling Literature Review (presentation from Joe Wood)

Presentation provided by Joe Wood and is attached to these notes.

Presented the a summary of his thoughts upon his review of 15-20 studies. Also noted the growth of the poultry industry in relation to the adoption of the VPA poultry regulation and the modeled effects of these on Nitrogen loads. Provided summary of studies of poultry litter stockpiling. Emphasized that ammonia losses to the atmosphere should be considered. Recommends that the stockpiles should be covered immediately when trying to be protective of water. If litter additives are documented then covering the stockpile is not as critical, covering the pile is not as critical. The documentation would allow a longer period of time for the stockpile not being covered.

- Point # 1: The scientific literature on stockpile nutrient leaching *and* runoff is variable, with some clear instances of leaching/runoff and other instances of minimal loss.
- Point #2: The impact of covering is also variable, although in many cases, covering provides a nitrogen and phosphorus benefit through various mechanisms. There were no clear/significant instances where covering increases overall nutrient loss.
- Point #3: Ammonia Emissions from litter piles are substantial and potentially a more important nutrient considerations than leaching. Literature suggests covering piles immediately can substantially reduce ammonia emissions, although the long term fate (i.e. after spreading) of ammonia depend on various management factors. Litter additives are recommended to manage ammonia and have potential benefits for bird health.

Recommendations to be protective of surface waters

1. In the absence of alum data, stockpiles should be covered immediately. We urge DEQ to require reporting on litter additives (i.e. acidifiers) to control ammonia emissions under this permit. Understanding Alum is not only important to understanding air quality impacts and deposition, but also has implications upon the nutrient content of litter which could be incorporated into NMPs. Including this information will help the agency manage impacts of poultry production across Virginia.
2. In the presence of documentation of litter additive to stabilize ammonia, stockpiles should still be covered promptly although a longer length of time may be justifiable.

3. We urge DEQ to revise the regulations to require the growers, end users and brokers to submit the data, of which they are already recording, to DEQ on an annual basis. Users are already recording this data, thus we do not believe it would be a substantive burden to submit it to DEQ once a year.

#### *TAC Discussion*

Hobey Bauhan provided additional information related to poultry production in VA. There is not an exponential growth in the industry. He stated that although production has increased since 2000 to the current number, but no new processing plants have been built. He noted that changes in production practices, including improvements in feed conversion has a direct affect the production and quality of litter produced. The construction of new houses is mostly replacement older houses. We are at the end of our building boom.

Joe stated that the numbers came from the US Agriculture Census and is in pounds and units of birds.

Hobey agrees that pounds of birds tend to rise.

Joe agreed that this is not an exponential growth but when he looks at the pattern he expects that industry will continue to rise (grow).

Hobey stated that he does not agree that this is a growing industry. He hopes it will be. Hobey emphasized that the Bay Model makes an assumption of increased poultry production based on 5-year history, but the industry is not moving in that direction. It is not accurate that the industry is growing. If you made the assumption back in the mid 2000's you would think there would not be an industry any longer.

Holly Porter asked if Joe was assuming that litter amendments are not being used. Holly pointed out that there were assumptions in the Maryland study that makes the study inaccurate 1) being that birds are in the houses year around-not true, 2) that no litter additives being used-not true, and 3) that all of the land in the Delmarva is agriculture land and not taking other land uses into account such as forestry, etc.-not true. Holly also noted that there are numerous assumptions in the Bay model that are not correct. The problem with the model is that if the litter amendments are not cost shared then it is not used in the model. Holly asked Joe if it is either/ or.

Joe said that if we can document that the additives are being used to stabilize Nitrogen in piles than the covering issue is more out of it. Ammonia emission is the much bigger issue for him.

Jackie Easter asked Joe if he is suggesting pile by pile and or houses or farms. Jackie followed up with if farmer A could document the additives and farmer B could not, is he suggesting that farmer B would need to cover the pile and farmer A would not need to cover the pile.

Joe responded to Jackie that it is more of a logistical question for DEQ.

Jackie thinks it would be a nightmare.

Joe asked if DEQ has the information.

Neil Zahradka stated that DEQ does not collect the information.

Kevin Dunn suggested that growers submit information to DEQ regarding use of litter amendments to be able use it in the Bay model.

Holly asked Joe Wood, if DEQ was to collect the litter amendments, then what would be more important, the storage.

Joe said collecting the amendment data is more important than covering the piles immediately.

Phillip Musegaas indicated that he would be comfortable with the cover rules as proposed if litter amendment use was documented.

Mike Thompson stated that in the Valley, the integrators require the additives at least 6 months out of the year. He noted that permeability of site foundation should be considered if any restrictions were placed on moving storage site to avoid leaching loss. Mike does not agree with rotating the storage site since most are on impermeable sites. He also noted issues related to ammonia release in a storage building. He noted when the piles are created that the pile caps itself off in a building or outside of a building. The capped piles that water hitting pile is absorbed on uncovered pile vs. that running off impermeable cover. Most of the outside storage is by end-users.

Melanie Davenport asked how long litter amendments had been in use.

Mike Thompson stated that he had been using it for 15 years.

Tony Banks noted that DCR had been considering affects of litter amendments for 25 years.

Mr. Malone noted that he has been working with the industry since 1980, on the Delmarva the industry has been using additives since the 1990's. Generally done one time per flock.

Jackie said the only time they do not use the amendments is when there is fresh bedding (litter) has been places in the buildings after a total clean out.

Hobey noted that amendments are used as an animal welfare practice to keep ammonia levels low in the houses.

### Summary of Poultry Litter Stockpiling Research (presentation from Bud Malone)

Presentation provided by Bud Malone and is attached to these notes.

Mr. Malone stated the numbers that Joe pulled out of the different research papers, I do not disagree with, but what you have to look at is how the numbers are generated and that is the key to understanding why there is so much variability in the literature on nutrient losses. Mr. Malone also mentioned that he has not done a complete literature search on all of the work that has been done on stockpiling but that what he will share was information out of a (1) 2004 workshop, (2) important information related to the Binford study and (3) an Poultry Litter Expert panel to put together to look at recommendations on stockpiling. He also presented information regarding the studies that Joe has mentioned and why there are issues in making policy changes based on that research.

When you look at the research, you need to look at a number of factors. The biggest factor is by far the shape and size of the pile and where the research was generated. Most of the research had been done on eight (8), 10, 12 ton piles. The research shows that minimizing surface area by maximizing the tonnage per square foot of litter is better because it reduces the area for potential for loss. Things that should be considered when comparing the research: litter age, litter type, what types of cover have been used, sizes and shape of pile, soil type, temperature,

rainfall, soil and water sampling methods, location and timing. Example of a study location – Europe, differences in the temperature and rainfall during the period of time the study took place, etc. Mr. Malone went through the studies and brought up the limitations of those studies for comparing each one. (see presentation for more details)

- The research suggests for field stockpiles - that the pile should not be placed on the same site year after year. He sees no research that shows that a pile should be kept out longer than 180 days.
- Minimum surface area per unit of volume
- Noted that cake litter is higher moisture content and nature of material causes it to become more saturated, and recommended covering stockpiles of cake litter.
- Better to keep litter in stockpiles regardless of storage duration rather than spread at the wrong time of year. Based on research data (from Binford study), covering piles keeps the temperature and moisture within the pile which allows the ammonia releases.

#### Poultry Litter Expert Panel Recommendations:

1. Minimize storage needs by scheduling cleanouts close to planting season.
2. Need proportional increase in on-farm storage with increased production capacity (designed for cake and not cleanouts).
3. Construct piles to minimize footprint (A shape, high as practical). Site pile to minimize nutrient losses. Little difference between 14 and 190 days storage, most risk occur first few days but impact is >0.
4. Stockpiling recommended (up to 190 days) when other options not available (field application, hydrological cycles, alternative uses).
5. Remediate pile footprint (surface soil removal, till, plant salt tolerant crop or one that removes nitrates).
6. Rotate storage site location. Literature supports covers reduce some ammonia losses but **no** data on losses from properly formed field stockpiles. No consistent effect of covers to reduce surface runoff or loading to soils under/adjacent to piles. N loading under piles from ammonia gas. Literature indicates covering increases plant available P.
7. Due to lack of consistent effect of covering, panel does not support mandatory covering of temporary field piles as means to reduce nutrient loading to soil and water.
8. Additional research needed on storage pad/BMPs to reduce nutrient loading below piles.
9. Avoid litter application during high-loss hydrologic conditions. Shallow incorporation recommended.

#### May Need Additional Research to Make Policy on Production Size Field Stockpiles

- Pad site options and remediation.
- Duration of field storage based on pile size and shape.
- Role of increase pile depth on ammonia emissions (cake stored in sheds and field cleanout litter)

- Determine the challenges, merits and/or consequences of covering production size stockpiles.
- Alternatives to poly or tarp covers to reduce ammonia emissions.
- N store management assessment, match storage method with land application procedures.

Mr. Malone's comments on the draft DEQ requirements:

- Permanent Storage Facility: Agree with all points but have concerns about condensation under impermeable cover.
- Temporary Storage Option One: Agree with all points assuming these are small, unshaped piles.
- Temporary Storage Option Two: Agree with most points with the following suggestion: 30 day storage limit may be too restrictive.

Mr. Malone's comments on CBF Recommendation to Cover All Stockpiles

- *Science panel and field scale temporary stockpile research do not support mandatory covering to reduce leachate and runoff. Results from most lab and small pile research studies not realistic or have many limitations.*
- *NO research data available on covering to reduce ammonia losses from field scale temporary stockpiles. Covering may cause some unintended negative consequences. Additional research needed.*

#### *TAC Discussion*

Phillip asked if the Binford study looked at smaller scale piles.

Mr. Malone responded that the field scale is at least six foot high and that is what the draft DEQ proposal is requiring. The Binford study looked at field scale - realistic stockpiles, not research scale. The field scale piles were at least 6 foot high and conical in shape and the tonnage is anywhere from 75 tons to greater.

Jackie small piles are probably the small end-user that may not typically get litter. The small piles are not going to be used by anyone one with a sizable operation.

Kevin asked what litter amendments were used in the studies.

Mr. Malone responded that the 1990 study used a dry, alum-based product in the field under the pile, not in the house. There was discussion regarding whether in-house use of ammonia reducing amendment vs. applied directly to exterior of pile once formed outside. Mr. Malone further stated that a good study would be to see if a litter amendment applied to the top of the litter what would it do to the ammonia emissions. He further stated that heat and moisture on a covered pile will cause the concentration of ammonia to come out significantly. The increase in pH, temperature and moisture will allow for the ammonia to increase.

Mike Thompson asked about a study relating to compacting the piles.

Mr. Malone further discussed the ongoing studies that suggest that compacting field storage piles may reduce ammonia losses due to reduction of pore space/air in piles.

Mr. Malone stated that he was not sure if they would be able to use enough additive in the house that would carry out to the stockpile.

Joe acknowledged the issue relating to the studies based on the scale of the pile. He further stated that covering a pile in most cases probably does not do much good. Joe saw in that studies the cover led to decreases in releases. He did not see where a cover increases the releases. Joe believes that extending the time for storage with no cover is less protective.

Jim Riddell stated that we still need to be able to move the litter to utilize it. We all want to protect the water. If we make it impractical then we are defeating the purpose.

Kevin said he could provide invoices for the litter amendments.

Mike Thompson said the integrator would be able to provide the information (some integrator's pay a percentage of the cost of the amendment).

Phillip asked what the pile sizes look like.

Jim responded that the piles are A shaped and large. Litter has more value than just N-P-K.

#### Discussion Related to Temporary Storage of Poultry Waste

Joe clarified his proposal regarding adding the requirement to report use of litter amendments. He stated that the benefit of having the data outweighs the loss of having the cover immediately.

Hobey likes the 30 day conditions but cannot understand why the option one should be immediate cover. Hobey suggested that there should be some provision for allowing to not cover it immediately if the weather forecast does not call for rain.

There was further discussion between Kevin and others with Hobey regarding the burden of properly shaping a pile immediately. Hobey said maybe that was the solution would be to just shape the pile immediately (as required in the draft requirements). Some producers represented indicated that this would not be a large burden.

There was discussion regarding practicality of covering for short time periods.

Mike Thompson suggested that some consideration be given to allowing properly shaped piles to be uncovered for at least 90 days. Litter goes out January, February and March from the Valley area.

Hobey asked about Delaware and Maryland requirements for storage. Further conversation ensued regarding the requirements in other states for uncovered piles, and it was noted that other states' requirements extend much further than 30 days. Hobey stated that based on the other states that perhaps they have bought into the research that has been done.

Kevin would like to see bigger buffers around the storage. He discussed adding slope requirements like the frozen ground requirements.

Betsy pointed out that the frozen ground requirements are specific to the land application of litter. Betsy noted how the existing requirements for the site (which remain in the draft) actually addresses slope "stormwater cannot run onto or under the waste".



Betsy reviewed all of the proposed requirements for storage (much is existing site characteristic requirements).

Betsy pointed out that there might be problems with requiring a temporary storage pile to be moved every year due to limitations in the land area managed or owned by the grower especially if the grower does not have permanent storage. If it is in-field storage, then I can see moving the pile every year. However, the grower at the farm with the additional set-backs could be very limited to storage siting if we add an additional requirement to move the storage site every year. Betsy stated that we could create an additional category by separating temporary farm storage and temporary field storage.

Kevin asked if the temporary storage pertained to the end-user or the poultry grower.

Betsy responded that the proposed language is for all entities and pertains to all storage.

Kevin stated that having the impermeable barrier is insanely impractical for an end-user.

Betsy responded that these requirements have not changed and they exist in the current regulations. Betsy explained the requirements for impermeable barriers.

BREAK 11:35-11:55

Betsy continued review of the proposed regulatory requirements for storage. The requirements would be identical throughout the regulation for all entities.

Betsy asked if there would be a need to separate out field storage vs. storage at the production facility.

Hobey responded that he did not think so.

Kevin asked if the storage in the field would allow 90 days.

Betsy clarified that there are a few reasons why a 30-day limit on uncovered piles was that there. One of the reasons to not go beyond the 30 day limit as required in the draft language is because some EPA staff believe that storage uncovered for beyond 14 days can be considered rudimentary liquid storage. The animal number threshold significantly changes liquid storage when being defined as a CAFO. The other significant reason is the NMP requirement to land apply litter no greater than 30 days from planting the crop. Without an NMP, you are not allowed to land apply greater than 30 days from planting. Again, these requirements are identical with all storage for all entities. It would be more difficult for DEQ compliance staff and for the effected entities to allow different times for different scenarios or entities.

Hobey stated that he thought that the way Betsy structured the storage requirements seems simple enough and well thought out – when you get to your 30 days you can just convert to cover it (option one). He would argue that more than 30 days would be justified, especially based on what we have seen in Maryland and Delaware. He could make the argument for 60, 90 or 120 days of uncovered storage.

Joe asked if the group was opposed to getting the litter amendment information as part of the reporting requirements, he said that without that he would not support the storage requirements.

Betsy clarified that at this time (in the draft proposal) DEQ is not requiring reporting from the growers.

The members of the TAC had a discussion to gain clarification of what Joe was proposing.

Hobey asked recordkeeping so DEQ can get the data.

Joe stated as a requirement.

Holly asked recordkeeping or reporting.

Phillip said both.

Neil stated that for the purposes of Joe's question, keep the subject to recordkeeping. Records that DEQ can ask for if DEQ wants them.

Holly asked if this would be based on inspections.

Neil said reporting is a separate question.

The group discussed who would likely have the information, the growers. And how the information would be obtained by DEQ.

Hobey stated that everyone is inspected and the records are kept on-site and DEQ can ask to see the records.

Kevin agreed that the records could be looked at when requested during an inspection.

Betsy said that we could look at it as a BMP. This would not be a guarantee that this could get into the model.

Joe stated that the BMP question is five years down the road.

Holly asked what would be the benefit to DEQ of getting the information.

Kevin stated that it could be used in the model if it could be verified. He stated that if the growers are doing this, then the growers could get credit for the amendment use. The problem is getting it verified for the model purposes.

Holly asked what DEQ would use the data for since it is not likely that the data only would be enough to submit to the CBP to get credit in the model.

Kyle expressed concern about adding a requirement if it does not have a specific use by DEQ, and he is concerned and wants the permit not to become more burdensome if it does not add value.

Kevin suggested that it would not be much of a burden to report something he is already doing.

Hobey suggested that the information could be collected by DEQ outside the requirements of the general permit.

Conversation followed regarding what data would have to be reported. It was pointed out that what EPA would need in order to get credit in the model for use was a more complicated question.

Joe stated that this is not for the model but for agency knowledge.

Jim stated that it sounded like the recordkeeping may be similar to pesticide applicator license recordkeeping. The applicators have to show the evidence/record of what is used.

Jackie said she did not think the use of the amendment would change if the litter was transferred off site. The amendment would still have been done.

Betsy stated that DEQ could perhaps add this to the inspection form. If we add it to the inspection report we will know if the grower has used a litter amendment. We could look at receipts or recordkeeping forms. Betsy pointed out that there would be a learning curve for the grower to be ready to provide the information available and we could introduce the requirement over a period of time through the inspection. It would become expected if we added to the question the inspection form. She stated that we could have a question that asks about BMPs, which could include litter amendments.

Hobey said it sounds like we are looking to do a survey of what people are doing. He suggested that this could be an initiative that could collaborate with the Virginia Poultry Federation to get the litter amendment use information.

Betsy responded that yes, since the amendments would change over time.

The group discussed what would be documented "what Joe was asking for".

Joe stated that the purpose getting the data is to find out what the effects or if it has effects on nutrient losses over time. Joe stated that we do not want to wait to get the data just because we cannot get credit in the model today, otherwise we will never get it.

Holly stated that maybe there are other ways to obtain the information. She also stated that she would agree that getting credit would be good but this is more of a recordkeeping issue on the grower not the end-user. Maybe this could be done during this inspection, even that may not be enough for the model. Holly mentioned that perhaps this could be a part of study that she is in the process of working on with University of Delaware for the Delmarva. It could be another institution. Holly pointed out that this data would be better, better to be verified to get to the model than recordkeeping. Holly asked again what is the purpose of getting the data.

Joe said it may not get us to the model, but it is a step to improving documentation and a step to Virginia's Bay restoration goals. For an agency understanding possibly to provide guidance. DEQ does not know what is being used.

Phillip if the information could be useful for a study (research). How would the data be accessible to the researchers? Should we consider having the data be reported to get it to a researcher.

Holly stated that a researcher can get the data other ways than through reporting. Holly also pointed out that the use of litter amendments is for animal welfare not necessarily for nutrients. The concern is that litter amendments and how they are used should not be dictated for nutrients aspects.

Phillip stated that was not they were not suggesting that.

Kyle stated his concern that the more and more conditions you put in the permit the harder it would be to get to the mission of the permit. He wants to make sure the Concerned that this will be an overburden.

Phillip stated that he thinks they are not asking to require the data but if the grower is doing it to let DEQ know.

Kyle pointed out that if the permit says to tell DEQ then it is a requirement.

Kevin thought that maybe the recordkeeping could be something like a receipt. Kevin is using the amendment for his birds. He did not think it would be much of a burden if he is already doing it. It is listed in the Bay model that we could get credit.

Tony stated out that is the point, DEQ has never expressed an interest in the data. And now it is being suggested to add it to the regulation.

Seth asked if EPA requires the verification on anything (i.e., lime or fertilizer).

Betsy responded that EPA does not require verification for inspections and such.

The discussion surrounded verification and what kind of recordkeeping was needed.

Kevin thought this could be voluntary. And possibly in the future, maybe this could be used for the model later. Kevin stated that sometimes it is okay to ask them to do a little more.

Betsy responded about a voluntary aspect. She further asked if Hobey and Holly could get the information of what is the use, the typical.

Hobey said that we could get the information through a survey to go to the growers and collaborate with VPF. He recommended a uniform survey instrument to compare the information. You could ask the producers to supply the information every couple of years or on an annual basis. Hobey said it would not need it in the regulation.

Kevin said that he did not think it could ever be used by the Bay model unless it comes from an institution.

Joe stated that DEQ would never do that. He said we are understaffed. He asked the group if they really thought this would happen unless it was a requirement.

Tony said making it a requirement will not help DEQ have the data accepted by the Bay model.

Betsy agreed with Tony's statement, no, especially if is a reporting requirement.

Mike said this could be asked during the inspection. If DEQ asked producers to complete a report/recordkeeping form then there would be resistance. Asking during the inspection would not be so bad.

Kevin agreed with Mike. Kevin also said he would not want anyone to tell them how much to use to get a certain point scale. He would share how much he is using.

Phillip responded to Kevin saying he was thinking the latter.

Discussion followed regarding acquisition of data through inspections, permit recordkeeping, and other means.

Betsy stated that the additives are not used for compliance. The additives have nothing to do with compliance or with the permit. This is completely a separate issue for the permit, it is much like we do not say how big the cage is for layers and for those who allow for daylight, we do not

say how much time the birds are allowed outside. DEQ does not get into the production side of the farm like regulating bird size (lbs.), what they do with the animals and how they raise them. The production decisions fluctuate all of the time.

Hobey said it seems that this would be more appropriate for an institution like VA Tech or another institution to get the information.

Holly agreed that a research institution is a better place to get more information. Then this data would be better suited for modeling purposes and the Bay program has accepted the information from other states (Delaware). She does not disagree that the information would be helpful for many reasons, but not sure that it should be put into regulation because the use is based on production standards and not on nutrients, that is where she has concern.

Joe said from his perspective, and knows there is not a consensus, going to a 30 days allowance weakens the permit, maybe only slightly. And that going to 30 days is convenient for the producer. To counteract that, collecting this information, making this requirement advances our states understanding of this and our ability to address this problem. He can live with the 30 days and if we do something to push back in another area. He stated that without that he will oppose the 30 days.

Betsy stated that in response to Joe's statement of pushing back: in the proposal there are weekly inspections and requiring a lot more documentation for all storage, more than we have ever required.

Joe said from his perspective the package today is a weaker package.

Betsy disagreed and said that it was definitely not intended to be weaker than what is currently in the requirements.

Joe stated he will take his position to the Board but if we require litter additives. Betsy responded: requiring litter additives is a different requirement than earlier stated. Joe said then reporting litter additives. Betsy responded that we have never looked at requiring reporting of any records other than transfer records. Joe then said recordkeeping of litter amendments.

Betsy responded that it could be more palatable to get the information to complete a survey or get the information during an inspection. Betsy asked if Joe is looking for adjustments to be made in the litter additives. Joe responded that he is just looking for recordkeeping. Betsy asked if that meant a yes or no to the use of a litter additive. Joe said yes. Betsy responded that the yes or no is more like a survey. Joe responded that if it is not a requirement, they would not have to respond to a survey. Joe again said he has no confidence that DEQ will get a survey completed.

Kevin asked if it could first come from the integrator. Betsy explained that would be difficult to keep up with integrators since they change.

Hobey stated can we just ask this information. Betsy responded that we could add this possibly to the inspection report. As she mentioned before adding a question related to BMPs. Betsy did state that a survey on the other hand could allow us to get the information quick but doing it through the inspection, it would take a couple of years to get around to all of the farms.

Betsy stated that we could add a clause about documenting BMPs used on the farm. DEQ also provides the clarification about new requirement changes during the training and inspections.

Further discussion occurred related to BMP recordkeeping and reporting. Betsy explained that we have to draw the line where the BMPs are voluntary in what we include in the requirements of the permit. She further stated that we cannot expect the permittee to record and or report information related to voluntary BMPs employed on the farm. When it comes to if this is good information for future and potential Bay model we can add a requirement to permit to document BMPs used on the farm.

Jackie stated that the amendments are not being used by us for the manure, they are being used by us for the health of the poultry. Initially she was okay with providing the documentation but know not if it is one more requirement. Jackie also stated that it is not true that going to 30 days is for the convenience of the producer but that it is more convenient for whomever is land applying the manure.

Betsy asked if for the input from the group about asking for adding a BMP clause (as discussed permit)

Mike asked about the timing of the days of storage, he asked if the group would vote. Betsy responded that

Holly mentions that Maryland and Delaware requires everyone gets a Nutrient Management Plan, and in Maryland and Delaware they have a CAFO (federal permit) so for storage in the production area day 15 the manure may be considered something else.

Mike thinks that the producer for field storage there should be 90 days.

Jackie said it goes back to what Betsy said about having another category for field versus production area storage.

Melanie suggested that perhaps the definition of temporary storage should clarify that it cannot exceed 180 days. The group did not have strong feelings as long as the requirement was clear.

Jim suggested having 60 days uncovered.

Kyle said that it could be restated into different categories but that so long as it is clear it would not have to be restated. He believed that 30 days is good and there could argument for 60 to 90 days.

Kyle expressed support for using another means other than the regulation to collect information related to ammonia reduction amendments (litter amendments).

Phillip asked if Kyle would be comfortable with it being added to the inspection. Kyle said he understands why Betsy said she would have the BMP question open, Kyle thinks that he would rather see the question more specific because he is concerned that it will open it up to expand the data requests. However, Kyle stated that it could be answered with a survey. Hobey mentioned what was done with the Turkey information.

Darrell stated that in order to add it to the regulation, DEQ needs to know what information they need to collect. Darrell stated further that without the knowledge of what data is needed for the model, we will not be able to get the data into the model.

Hobey suggested that DEQ should take back what we heard and determine what to propose.

Seth asked about the 14 day storage versus 30 day and how it relates to the rudimentary liquid waste storage discussion. Betsy responded that the weekly inspections would provide documentation to demonstrate that there is no evidence of storm water running under the pile. Betsy pointed out that field storage for a CAFO owner is considered production area. Betsy believes that we are not going too far with the 30 days because of the ramped up documentation for storage. Neil added that this does not alter the duty to apply, there is still a prohibition of a discharge. The inspections and documentation is integral to the change from 14 to 30 days.

Neil asked the group, specifying that the question was really directed to the poultry producers, what they thought of the level of burden on the producer was related to the added inspections and recordkeeping requirement for temporary storage.

Each of the growers on the committee indicated that they did not feel that the additional recordkeeping requirement for temporary storage was burdensome.

Mike stated that he thought it would not be a problem for the producer but possibly for the end-user. Jackie clarified that not a problem for the person who has someone helping them document.

Betsy clarified that from what she is hearing from the group, the storage language is good as proposed (the draft sent prior to Christmas). She said she will check with the group near the end of the meeting.

### Summary of Revisions Made Since Last Meeting Related to Commercial Poultry Processors

Betsy indicated that in conversations with the DEQ Office of the Attorney General representative supported DEQ's authority to add requirements for commercial poultry processors to the GP.

Betsy made changes to the proposed language based on suggestions from the AG representative and the suggestions made at the last meeting.

- Revised proposed definition
- Revised language (replaced spilled with deposited or released)
- Added language to ensure clean up and disinfection (C&D) are not affected by this section

Betsy reviewed the proposed requirements and asked if there were any questions or concerns regarding the changes.

Some members of the group indicated that the changes since the last meeting were improvements.

Holly Porter suggested that the timeframe for the initial submittal of the processor's plan should be increased from 30 for 60 days. Holly also asked if DEQ would develop a template for the processor plan to be submitted.

Betsy said she would look at developing a template for the processor.

## Discussion Related to Poultry Waste Transfer Records Reporting Requirements

Betsy indicated that CBF and the Riverkeeper had expressed a desire for the regulation to require reporting of records by both producers and end-users.

Phillip stated that it would be adding a reporting requirement not additional records.

Hobey asked who did they want to report, just the producers. Phillip asked for clarification on who already reports. Betsy said we get the brokers reports and we get the growers records while on the inspection.

Hobey said we had talked about this extensively at a previous meeting related to the reporting and recordkeeping and the Bay model needs. Hobey expressed concern that a reporting requirement for end-users may have the unintended effect of stranding litter. And he is concerned that the level of training to get the requirement out their but that it could also cause a requirement to be on the books that will cause a compliance issue.

Kyle recalled discussions from the first meeting regarding what information DEQ needed to accurately report poultry litter transport data for the CB model, and that conversations were that information reported by brokers and recorded by producers and collected by DEQ was enough to meet model requirements.

Kevin mentioned the trouble of getting the data to the model on a timely basis.

Kyle said the way the language is written now and they support is that if we get the data from the broker and grower (via inspection and DEQ request).

Jackie stated that her concern is that if the end-user is going to be required to submit an annual report then it will be a lot easier for the end-user to pick up the phone and calling southern states.

Further discussion surrounded the recordkeeping and reporting possibilities to ensure that the data is reportable to the Bay model. Betsy pointed out that the language was tweaked so that the records will be reported in a format required by the Department. This allows for the agency to have a digital option when it becomes available.

Betsy explained the reasoning for not putting a reporting date in the permit at this time, and noted that we could in the future make further changes in the regulation to add a date for reporting by the grower. Betsy outlined the plan to have the regions request the data from the growers on an annual basis (in the first year that these amendments are effective) in a manner that will allow the agency to utilize the staff resources efficiently. Betsy stated that the preference is to use our staff time for completing inspections rather than entering data from transfer records being submitted by growers annually in a big slug if we added an annual date for the submittal of records by the grower. By not adding a specific date in the regulation, DEQ can request the data over time to allow for a more efficient manner of receiving the data. Right now the data, is held in a spreadsheet. DEQ explained that we have started working on a digital manner to maintain the records and the Department intends to get that technology rolled out.

Joe expressed that memorializing the reporting requirement by including the requirement in the regulation provides reasonable assurance that Virginia will meet the goals of WIP III.



Phillip mentioned that we could phase in the requirement. Neil stated that would actually inhibit immediate meeting of the goal our ability to get the information if we add a phased in date for submittal. Neil further stated that if we add a phased in date, the blanket request for data removed for that piece. Betsy clarified the blanket request condition is negated. She gave the example that a good lawyer would argue that the permittee would not need to submit the data until the phased in deadline.

Joe asked how will we memorialize how we plan to request the data.

Neil stated that we would address it in the response to comments.

Betsy responded that she writes guidance for the staff that outlines what has to be done with permits, compliance, and how and when they put data into our data system. The request by our staff would be outlined in the guidance. Betsy stated that she did not want a data effort to restrict a compliance efforts because the same people have to do both. She further explained that we can accomplish this by getting the regions to request the data. She said that if we had unlimited staff or resources we would not delay adding a date to the regulation.

Kevin asked for clarification that if DEQ is going to add in guidance that in the first year staff will request growers for the transfer recordkeeping. Betsy responded that yes, the requirement for DEQ staff will be added to the staff guidance.

#### Final Comments or Concerns from Members of the TAC

Betsy asked each of the members to voice any final concerns or comments on the draft proposed regulatory language. The following are the responses from the members.

Mark Patterson – nothing to add, Mark expressed his appreciation for all the work that Betsy put into this. Betsy responded that she appreciated his comments and all of Mark's help.

Holly Porter – likes the 30 day uncovered storage limit, good reports with the presentations from both sides, she would have to agree that some of this is on a small scale and believes that there are some research gaps and would not want to rely on it for policy changes. Expressed support for additional data be collected for purposes of documenting BMPs but that the permit may not be the best tool. Has concern of how the litter amendments and regulatory requirements and compliance.

Kyle Shrieve – supports regulation in current form, some concerns about commercial processor section, but feels they can live with it. Concerns about requiring data about the litter amendments.

Darrell Marshall – supports voluntary collection of BMP data (litter amendments), but does not think that VPA permit requirements are best mechanism to collect that data

Tony Banks – echoes Darrell's thoughts

Joe Wood – adding reporting requirements for alum benefits everyone in the room, concerns about covering all stockpiles, and not reporting litter transfer records

Phillip Musegaas – generally supports the 30 day temporary storage and would like to see some way to collect the amendment data. Understands the staff constraints for reporting requirement. Appreciates everyone's time and coming back for another meeting.

Mike Thompson – concerned for storage on end-user – we are at a balance now and concerned that if we make it harder to use then the end-user will stop using the litter. Would like to see the timeframe for uncovered storage for end-user be extended.

Pete Watson – supports regulation as it is, concerned if you keep regulating it where will it go, the litter has to go somewhere.

Seth Mullins – supports regulation as it is, considering no changes to NMP section.

Jacki Easter – supports regulation as it is, and echoes Mike and Pete’s concerns about regulating the end-user that they can easily pick up the phone and order fertilizer. Jackie also volunteered to test a web-based reporting tool.

Kevin Dunn – supports regulation as it is, likes the idea that we will request the data for transfers, believes that it would be good if DEQ could ask for additional information from growers during inspections. Appreciates the time.

Hobey Bauhan – echoes the producer’s comments

Melanie Davenport expressed appreciation for the TAC’s work in developing the regulatory requirements.

Betsy expressed her appreciation for the members time, and acknowledges that not everyone will be happy with her. It is good to have a cross section of folks on the committee and the points made by those folks; it makes it a better product.

### Next Steps

The comments and suggestions made at the meeting will be taken into consideration and revisions will be made to the language if the agency determines them necessary.

Betsy will take it to the proposed language to the spring State Water Control Board meeting. Betsy indicated that a Spring Board meeting date has not been set. Betsy will let the Committee know when the proposed regulation will be presented to the State Water Control Board. At that meeting, DEQ will request Board to move to proposed stage that will include a 60-day comment period, including public hearings. DEQ will then respond to comments including those made at the hearings. Betsy and Melanie explained when comments are allowed by the public including the TAC members.

Betsy will take the final regulation to the State Water Control Board at its meeting in September. This timing will provide for the regulation to become effective by December 1, 2020.

### Public Participation

There were no comments from the public.

### Adjourn

Betsy thanked everyone for his or her time and participation on the Technical Advisory Committee. Betsy adjourned the meeting at 2:45 PM.

### Action Items:

1. Betsy will provide to the TAC members, Alternates and Interested Parties – a final draft of the proposed amendments to the Regulation language.



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482

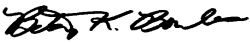
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

**MEMORANDUM**

TO: State Water Control Board Members

FROM: Betsy K. Bowles, Animal Feeding Operations Program Coordinator  


DATE: May 15, 2020

SUBJECT: Request to Proceed to Notice of Public Comment and Hearing on Proposed Amendments to the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.)

**Introduction**

At the June 29, 2020 meeting, staff intends to bring to the Board a request to proceed to notice of public comment and hearing on proposed amendments to the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.). These changes are being proposed in order to allow for the reissuance of the general permit under this regulation, which is due to expire on November 30, 2020.

**Statutory Authority**

Va. Code § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program. This Code section includes provisions that the Board must, at a minimum, include in its regulations developed pursuant to this authority, including provisions for permitting confined poultry feeding operations under a general permit. The statute also affords broad authority over the commercial poultry processor related to poultry waste and nutrient management.

**Background**

The VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.) first became effective on December 1, 2000 with the term of the permit being ten (10) years. The second became effective on December 1, 2010, thus expiring on November 30, 2020. This regulatory action will authorize the third ten (10) year term of the regulation and general permit.

Currently, there are 954 confined poultry feeding operations in the Commonwealth permitted under this VPA general permit. The general permit requires that poultry waste management activities be conducted with no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Poultry farms covered under the VPA general permit, which do not have a point-source discharge are not required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit for Concentrated Animal Feeding Operations (CAFOs).

This regulation also establishes the utilization, storage, tracking and accounting requirements related to poultry waste. This regulation governs the activities of permitted growers, poultry waste end-users and poultry waste brokers. The regulation also includes an option to require an end-user or broker that does not comply with the technical regulations found in section 60, 70 and 80 of 9VAC25-630 to be covered under the general permit. The VPA Regulation and General Permit for Poultry Waste Management is more stringent than the federal regulations that govern CAFOs because the VPA Regulation and General permit also governs the activities of poultry waste end-users and brokers.

### **Notice of Intended Regulatory Action and Technical Advisory Committee (TAC)**

A Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register of Regulations on October 1, 2018. A 30-day public comment period followed which ended on October 31, 2018. The majority of the nine commenters were requesting to participate on the Technical Advisory Committee (TAC) and in favor of reissuing the general permit in 2020. The comments can be found in the “public comment” section of the Town Hall document that is attached to this memo.

The Department utilized the participatory approach by forming an ad hoc TAC. The Department held four (4) public noticed meetings on March 25, 2019; July 18, 2019; October 19, 2019; and January 6, 2020. A list of the members of the TAC is attached to this memo. The TAC discussed amendments to the regulation, which included poultry waste storage requirements, recordkeeping and reporting requirements of poultry waste storage and poultry waste transfers, and requirements governing the activities of commercial poultry processors. The regulation with proposed amendments is attached, with added text underlined and deleted text struck through. A concise list of the proposed language changes is provided in the "detail of changes" section of the attached Town Hall document.

A brief summary of the significant amendments can be found below and are in the following major subject areas: poultry waste storage, site design and management; poultry waste transfer recordkeeping; permitted poultry grower - waste transfer reporting; litter amendment reporting; poultry waste end-user - waste transfer and utilization reporting; poultry waste broker - waste transfer reporting; and commercial poultry processor activities.

#### **Poultry Waste Storage, Site Design and Management**

One TAC member recommended that staff consider amending the storage location requirements for waste not stored under a roof, to include an occupied dwelling setback. The proposal specifies that poultry waste may not be stored within 200 feet of an occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. The addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites. The members of the TAC generally supported the addition of the condition.

The proposal includes the addition of language to clarify which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination. The members of the TAC generally supported the addition of the condition.

The proposal includes a new special condition that addresses situations where poultry waste storage can be threatened by emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency. The members of the TAC generally supported the addition of the condition.

The proposal also includes a new site management special condition related to managing impervious surfaces and poultry waste. Adding this condition ensures that the permit is clear regarding site management requirements necessary to avoid point-source discharges to surface waters. The members of the TAC generally supported the addition of the condition.

Several TAC members recommended that staff consider amending the waste storage requirements to provide more flexibility for the grower and end-user. The members of the TAC considered a staff drafted proposal that provided an additional option for the temporary storage of poultry waste. The additional option allowed for a slight extension of time without a cover so long as the specific management, siting requirements and compliance measures like visual inspections and recordkeeping were completed by the regulated entity. While the majority of the TAC members supported the amendments to include the additional inspections and recordkeeping, two members stated that they would support the draft temporary storage amendments only if DEQ required permitted poultry growers to report litter amendments (litter amendments are discussed in the Litter Amendment Reporting section below). The proposal does not include the additional option for the temporary storage of poultry waste for two reasons: 1) the lack of research data related to typical field-size litter piles and 2) the uncertainty of how safe it is to extend the length of time for poultry waste to be uncovered.

#### Poultry Waste Transfer Recordkeeping

The proposal includes the addition of “county” to the poultry waste transfer data recordkeeping items to be documented by the permitted grower, permitted end-user, permitted broker, and un-permitted end-user and un-permitted broker. This addition will facilitate a more complete and accurate dataset of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs. The members of the TAC generally supported the addition of the item in the conditions throughout the regulation and general permit.

#### Permitted Poultry Grower - Waste Transfer Reporting

The members of the TAC did not reach consensus regarding waste transfer reporting requirements for the poultry growers.

There was a recommendation from two TAC members that DEQ require permitted growers to report poultry waste transfers. The majority of the other members of the TAC felt that adding a requirement

to submit records is unnecessary, as DEQ receives this information during inspections and can request the data at any time as stated in the current regulation.

The proposal includes a new phased in requirement for the permitted grower to submit poultry waste transfer records. In the first year after the effective date of the regulation: the permitted grower will submit poultry waste transfer records on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department. In the second year after the effective date of the regulation and thereafter, the permitted grower would submit poultry waste transfer records, annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15. The proposed requirement will enable DEQ staff to produce a more timely tracking and accounting dataset of poultry waste movement. The addition of this requirement ensures that the agency will receive the transfer records at least annually, which will facilitate the submittal of the transfer dataset, by DEQ, to the Chesapeake Bay Office of the EPA.

#### Litter Amendment Reporting

The members of the TAC did not reach consensus regarding litter amendment reporting requirements.

There was a recommendation from two TAC members that DEQ require permitted growers to report their use of litter amendments, primarily related to ammonia loss during storage. One other TAC member was a supporter of the addition if Virginia can get credit in the Bay model as a best management practice. The other TAC members were opposed to requiring the reporting of litter amendment use. Litter amendments are widely used by the poultry industry for bird health and welfare. The litter amendments are known to suppress ammonia releases while the birds are confined in the growing houses. The proposed regulation does not include the requirement to report litter amendments for two reasons: 1) the lack of research data related to litter amendments and their effectiveness on ammonia volatilization on waste stored outside and 2) since the proposal does not include an extension of uncovered temporary storage, there is no need to require the reporting of litter amendment use.

#### Poultry Waste End-User - Waste Transfer and Utilization Reporting

The members of the TAC did not reach consensus regarding reporting requirement for poultry waste end-users.

There was a recommendation from two TAC members that DEQ require end-users to report the records that the current regulation requires they maintain. The majority of the other members of the TAC expressed their concerns that requiring end-user reporting could result in potential end-users being reluctant to use litter, therefore causing a reduction in poultry waste transfers and the “stranding” of poultry waste on growers’ farms. During one of the TAC meetings, staff in the DEQ Chesapeake Bay Program Office gave a presentation on the Bay model and credit given to specific best management practices. Based on that information and discussion, the grower and broker poultry waste transfer records are sufficient to meet the Bay model requirements for poultry waste transfer. However, two members of the TAC felt that a requirement for end-users to report their records could be used to better characterize poultry waste utilization and compliance with the technical requirements.

The proposed regulation includes a new phased in requirement for the end-user to submit poultry waste transfers records and land applications records. In the first and second year after the effective date of the regulation, the end-user would submit poultry waste transfer records and land application records on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department. In the third year after the effective date of the regulation and thereafter, the end-

user would submit poultry waste transfer records and land application records, annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15.

### **Poultry Waste Broker - Waste Transfer Reporting**

The proposal includes the amendment of dates for recordkeeping and reporting requirements for the broker. The change to recordkeeping and reporting timeframes of the poultry waste transfer data from the broker will facilitate a more complete and accurate dataset. A condition was added related to the original sources of commingled poultry waste. This new condition will facilitate better tracking of poultry waste transfers and reduce duplicative records. These amendments will enable better tracking and accounting of poultry waste transfers that DEQ reports to the Chesapeake Bay Office of EPA. The members of the TAC generally supported the amendments and new condition.

### **Commercial Poultry Processors**

The proposal includes a new section that establishes technical requirements for the commercial poultry processor. The intention of this new section is to address activities performed by the commercial poultry processor, their company and contracted personnel on the contract poultry grower's farm related to poultry waste and nutrient management. These specific activities are performed under the control of the commercial poultry processor, not the permitted poultry grower, and include the catching and releasing of birds and feed delivery. Each of these activities when not performed carefully can contribute to additional nutrient spills or the production of process wastewater on the farm.

The proposed requirements are placed on the commercial poultry processor, their company and contracted personnel in order to prevent situations where their activities can result in discharges to State Waters and the production of process wastewater on the farm. The new section specifies clean up and proper disposal of materials that are spilled in relation to activities in which the commercial processor performs.

Adding this section will provide accountability for the specified activities performed by a commercial poultry processor. TAC members were divided in their support of the addition of the section. Those members who were not completely supportive indicated that they could accept the proposed language if the new section is ultimately added to the regulation.

### **Attachments**

1. VPA Regulation and General Permit for Poultry Waste Management Technical Advisory Committee Members
2. Exempt Action Proposed Regulation Agency Background Document (Form TH-08)
3. 9VAC25-630-10 et seq. Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management Proposed Amendments
4. VPA Poultry Grower Registration Statement Form (permit application form)
5. VPA Poultry End-User and Broker Registration Statement Form (permit application form)
6. VPA Fact Sheet, Requirements for Poultry Litter Use and Storage

### **Contact Information**

Betsy K. Bowles  
(804) 698-4059  
[betsy.bowles@deq.virginia.gov](mailto:betsy.bowles@deq.virginia.gov)

Poultry Waste Management Regulation  
**Technical Advisory Committee Members**

Committee/Agency Lead:

Betsy K. Bowles – Animal Feeding Operations Program Coordinator

Agricultural Organization:

Hobey Bauhan – Virginia Poultry Federation  
Holly Porter – Delmarva Poultry Industry, Inc.  
Kyle Shreve – Virginia Agribusiness Council  
Tony Banks or Wilmer Stoneman – Virginia Farm Bureau

Integrator:

Doug Baxter – Tyson Foods, Inc.  
Steve Levitsky or Mark Patterson - Perdue Farms, Inc.

Farmer/ Broker/ Hauler:

Francis M. “Pete” Watson – Nottoway County Chicken Grower  
Jacki Easter – Oakdale Farm and Easter Design, Inc. – Amelia County Chicken  
Grower/ Poultry Waste Broker  
Mike Thompson – Round Hill Poultry LLC – Rockingham County Turkey Grower  
Jim Riddell – Georgewood Farm – Louisa County Farmer/ Poultry Waste End-  
User/ Agronomist/ Retired Extension Agent

Other Government Entity:

Kevin Dunn – Peter Francisco SWCD - Buckingham & Cumberland Counties/  
Buckingham County Poultry Grower  
Adrienne Kotula – Chesapeake Bay Commission

Environmental:

Joe Wood or Peggy Sanner or Jay Ford – Chesapeake Bay Foundation  
Mark Frondorf – Shenandoah Riverkeeper or Phillip Musegaas - Potomac  
Riverkeeper Network

---

Technical Support to TAC from Other State Agencies:

DCR: Seth Mullins, Darryl Glover  
VDACS: Darrell Marshall




[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action: Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-630
<b>VAC Chapter title(s)</b>	Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management
<b>Action title</b>	<b>Reissue and amend, if necessary, the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management.</b>
<b>Date this document prepared</b>	5/18/2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The State Water Control Board is amending the existing Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management in order to reissue the permit regulation. The VPA General Permit Regulation for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys), and establishes utilization, storage, tracking and accounting requirements related to poultry waste, including that transferred from poultry feeding operations. The current general permit became effective on December 1, 2010. The permit term is ten years, thus it is due to expire on November 30, 2020.

### Mandate and Impetus

*Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

The current Virginia Pollution Abatement (VPA) Regulation and General Permit expires on November 30, 2020. This action is required in order to reissue coverage under the general permit for the 954 poultry operations that are currently covered under the General Permit.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

1-Confined poultry feeding operation means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

2-Poultry waste means dry poultry litter and composted dead poultry.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

In 1999, the Virginia General Assembly passed House Bill 1207 (62.1-44.17:1.1) establishing the Virginia Poultry Waste Management Program. The Act required the State Water Control Board develop a regulatory program governing the storage, treatment and management of poultry waste including dry waste. Virginia Code § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program. The Program established provisions for issuing general permits to confined poultry feeding operations. The regulation and general permit first became effective on December 1, 2000 and was reissued for another ten-year period, which became effective on December 1, 2010.

## Purpose

*Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

The purpose of this action is to reissue the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. The current VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

This action is primarily a reissuance of the existing general permit as well as amendments that may be identified following the submittal of public comments on this notice.

### Issues

*Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

---

The primary advantage of the proposed regulatory action is the reissuance of the regulation that will allow for confined poultry feeding operations to be covered under the general permit. The permit contains provisions appropriate for the protection of state waters, and the general permit process allows for protection of water quality with minimum agency resources related to the issuance of the permit. This is an advantage for the public, the regulated community, as well as the Commonwealth. There are no disadvantages of the proposed regulatory action.

### Requirements More Restrictive than Federal

*Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

---

There are no applicable federal requirements for confined poultry feeding operations that do not discharge or propose to discharge. The Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management is a state program with requirements included in the regulation necessary to meet state statutory requirements.

### Agencies, Localities, and Other Entities Particularly Affected

*Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

---

#### Other State Agencies Particularly Affected:

This general permit regulation affects the Department of Conservation and Recreation since this regulation includes requirements for Nutrient Management Plans. The requirements for developing nutrient management plans fall under the purview of the Department of Conservation and Recreation.

#### Localities Particularly Affected:

This general permit regulation affects the entire state; no particular localities are identified to be disproportionately impacted by this regulatory action.

#### Other Entities Particularly Affected:

This general permit regulation affects the permitted growers, unpermitted and permitted end-users of poultry waste and brokers of poultry waste, and commercial poultry processors; no other entities are identified to be disproportionately impacted by this regulatory action.

## Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

Currently, 954 confined poultry feeding operations are covered under this general permit. One alternative to the reissuance of the VPA Regulation and General Permit for Poultry Waste Management is to issue coverage under an individual VPA permit to each poultry feeding operation, which confines 200 or more animal units. However, due to the number of confined poultry feeding operations currently required to obtain coverage under a VPA permit, it is not practical to issue coverage to each operation under an individual VPA permit. Operations that do not qualify for coverage under the general permit will be issued coverage under an individual VPA permit.

## Public Comment Received

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.*

Comments were submitted by nine commenters. The comments fell into three categories: requests to be on the TAC, support of the regulation as already written, and support to increase requirements to ensure nitrogen offsets from increases in poultry production and include air quality requirements.

Commenter	Comment	Agency response
Mr. Pete Watson	Betsy I have talked with Hobey and he has asked if I would be interested in the committee meetings, I would be very interested in attending if at all possible. I am a broiler grower and would like having some input and being there to hear what actually is decided.	Mr. Watson was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Doug Baxter	I understand that the Poultry Waste Management general permit is going under review and possible revision prior to reissuance. I've participated in prior Technical Advisory Committees (TAC) and respectfully request the opportunity to serve on the TAC for this round of review.	Mr. Baxter was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Mark Frondorf	Please consider me for joining the Technical Assistance Committee (TAC) for the purpose of reissuing and amending the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management in order to continue the general permit coverage of nearly 1000 confined poultry feeding operations. In my earlier email to you, I requested consideration for joining the Technical Assistance Committee when it is actually the Technical Advisory Committee. So out of an abundance of caution, pls consider me for joining the Technical Advisory Committee (TAC) for the	Mr. Frondorf was recommended and approved to be a member of the Technical Advisory Committee.

Commenter	Comment	Agency response
	purpose of reissuing and amending the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management.	
Mr. Tony Banks	Per the NOIRA (8/21/18), I am recommending Mrs. Jacki Easter serve on the TAC planned for the reissuance of the VPA GP for Poultry Waste and am submitting this recommendation and her contact information on her behalf and with her consent. Mrs. Easter and her family have been growing broilers for over 20 years in Amelia. Their poultry operation is covered under the VPA GP for Poultry Waste. Mrs. Easter and her family also operate a poultry litter brokerage.	Ms. Easter was recommended and approved to be a member of the Technical Advisory Committee.
Ms. Jacki Easter	Thanks Tony and Betsy for the consideration. OAKDALE FARM, doing business as Easter Design, Inc. Thanks again, Jacki	Ms. Easter was recommended and approved to be a member of the Technical Advisory Committee.
Ms. Holly Porter	Delmarva Poultry Industry, Inc. (DPI) is pleased to comment on the subject regulatory action proposed by the Virginia Department of Environmental Quality (DEQ). DPI is a nonprofit trade association that represents the broiler chicken industry in Delaware, the Eastern Shore of Maryland and Eastern Shore of Virginia. Our 1,800-member organization is the voice for the industry, including growers, companies and allied businesses, focusing on advocacy, education and member relations. DPI is a key stakeholder in discussions about this regulatory program. DPI's poultry grower members are directly and substantially impacted by the composition of the program, which has been designed to achieve meaningful water quality benefits while minimizing its economic burden upon regulated farmers. DPI encourages DEQ to maintain the basic structure and components of the permit and not to include any additional demands that are beyond the scope of the permit. Finally, I would like to participate, as a representative of the Eastern Shore of Virginia poultry community, on the Technical Advisory Committee that will advise DEQ on the regulation. Thank you for your consideration.	Ms. Porter was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Hobey Bauhan	Virginia Poultry Federation (VPF) is pleased to comment on the subject regulatory action proposed by the Virginia Department of Environmental Quality (DEQ). VPF is a nonprofit trade association that promotes the interests of Virginia's poultry and egg industry through public and governmental relations and educational programs. Virginia's largest agricultural sector, the poultry industry contributes about \$13 billion annually to the Virginia economy; supports the livelihood of some 1,100 family farms; and employs more than 15,000 people. VPF is a key stakeholder in discussions about this regulatory program, having been involved with it since its inception. VPF's poultry grower members are directly and substantially impacted by the composition of the program, which has been designed to achieve meaningful water quality benefits while minimizing its economic burden upon regulated farmers. VPF encourages DEQ to approach the reissuance of the regulation and general permit with an eye toward maintaining its basic structure and components, which farmers are successfully implementing. Finally, I respectfully ask to be part of the Technical Advisory	Mr. Bauhan was recommended and approved to be a member of the Technical Advisory Committee.

Commenter	Comment	Agency response
	Committee that will advise DEQ on the regulation. Thank you for your consideration.	
Mr. Kevin Dunn	Thanks for getting back to me. A little back story on myself, I work for Piedmont which represents Prince Edward, Nottoway and Amelia which you have said is well represented. I am also a poultry producer in Buckingham and am a Director on the Peter Francisco District board representing Cumberland and Buckingham Counties. Is there any other grower representation for my counties? If not could I be considered? If your committee is set could you let me know the two farmers info so I and other growers in my area could convey our thoughts through them?	Mr. Dunn was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Joe Wood	Please accept these comments related to the upcoming reissuance of the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management. CBF would greatly appreciate the opportunity to serve on the Technical Advisory Committee for the reissuance of the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. CBF has a long history of working on regulatory issues related to agriculture, environmental impacts and water quality issues. We specifically request membership for Joe Wood (Primary), Peggy Sanner (alternate) and Jay Ford (alternate). We look forward to working with DEQ and other stakeholders to develop a stronger and more effective permit for moving forward. The growing importance of poultry in Virginia. Poultry production represents the largest sector of the largest business (agriculture) in Virginia and this sector has shown consistent growth over the past 30 years. USDA's National Agricultural Statistics Surveys indicates that from 1984 to 2017, Virginia's poultry production increased from 158,624 birds/year (834,293 lbs/year) to 294,200 (2,067,540) corresponding to an 85% increase in animals and a 150% increase in production pounds (Figure 1). There have been periods of slight decline and accelerated growth, but on average, animal numbers have increased by 2.6% per year while production pounds have increased by 4.5% per year over the 33-year time span. In 2017, Virginia produced over \$700 Million in poultry products <sup>1</sup> . The proportional importance (relative to livestock) also continues to grow as poultry makes up approximately 71% of animal units in Virginia's portion of the Chesapeake Bay Watershed, up substantially from 54% back in 1984 <sup>1</sup> . Consequently, the number of animals covered by this VPA general permit has also been increasing, as evident by nearly 13% increase from 2010-2016 (Figure 2). Poultry growth clearly plays a significant role in Virginia's Agribusiness and economic benefits, but also presents new challenges for the state's goal to improve water quality, and to specifically reduce nutrient and sediment delivery to the Chesapeake Bay. Given the scale of poultry production in Virginia, and continued growth, it is critical for the state to establish a clear plan to address pollutant loads from this sector. The reissuance of this 10-year permit is extremely important and will ultimately have a large impact upon the restoration of the watershed. Further, this represents the last opportunity to improve this permit prior to the 2025 deadline for Chesapeake Bay Implementation. Relationship between growth and nutrient loads The impacts of the rate of poultry production upon nutrient and sediment loads can be divided into three main categories	impacts associated with increases in poultry litter and associated land application and 3)

Commenter	Comment	Agency response
	<p>which include 1) the impacts of feeding spaces, 2) impacts associated with increases in poultry litter and associated land application and 3) impacts of air (ammonia) emissions. In order to explore the potential impact of poultry growth on pollutant loads we present modeling efforts performed through the Chesapeake Assessment Scenario Tool (CAST). CAST allows for a hypothetical consideration of land use, animal units, and BMPs upon pollutant loads under previous, current and future conditions. However, the impacts of ammonia emissions from poultry are not calibrated to shifts in animal units and thus these values should be interpreted only as a summary of feedings space loads and impacts of increased litter production<sup>2</sup>. The Chesapeake Bay model divides agricultural loads into categories including Row Crops, Hay, Feeding Spaces, Other Ag, and Pasture. Feeding Spaces represent the most intense agricultural use with the highest pollutant loading rates which are more than 10-fold higher than any other type (Figure 3). The acreage of feeding space represents only a small proportion of agricultural lands (~.16% in Virginia's Chesapeake Bay Watershed) but a much larger proportion of the overall agricultural sources of nutrients and sediment delivered to the bay (2-4% depending on pollutant). As a result, management of these lands represents a critical opportunity to mitigate agricultural pollutant loads where they are most concentrated. Further, management of these lands is specifically considered in this AFO Poultry Permit. We specifically consider here scenarios from 1984 to 2017, and we have focused upon the five counties which have the highest rates of poultry production which includes Accomack, Augusta, Page, Rockingham and Shenandoah. Specifically, we considered progress reports from 1984-2017 with two BMP implementation scenarios. First, we considered the BMP implementation rates which correspond to the progress year (Progress), and second, we considered a constant BMP implementation (No Action) across all years. The progress scenario indicates estimates of actual pollutant loads whereas the no action scenario is intended to provide insights about how pollutant loads would have changed with growth in the absence of BMPs. The results of these analyses are shown below in Figure 4. Model inputs of poultry production generally increase from 1984 to 2017 similar USDA data (Figure 1) which is utilized as a source for the model. In the Progress scenario there is a steep decline in feeding space nitrogen loads from 1995-2000 corresponding to the timing of adoptions of the original AFO permit and its associated management actions. This load reduction is not observed in the No action scenario and thus emphasizes the important role this permit has played in reducing feeding space loads. However, from 2000 to 2017 the progress scenario displays a 15% increase in feeding space nitrogen loads, suggesting we are backtracking on the original progress made by the adoption of this permit on these lands, not due to declining management but rather as a result of increasing poultry production. Poultry production rates also influence the production of manure and the rate at which manure is applied to agricultural lands. The Chesapeake Bay model, following the guidance of the agricultural workgroup, estimates the proportion of land which received manure by considering the total number</p>	



Commenter	Comment	Agency response
	<p>of animal units per county and the overall agricultural acres which exist within that county, along with data reporting on manure transport and export<sup>3</sup>. Figure 4 (top, orange diamonds) illustrates the estimated proportion of land within the top 5 producing counties which receive manure. Results indicate there has been an increase in manured lands from ~53% in 1984 to 56% in 2017. While this 3% increase may seem small, it is important to note that this is 3% of all agricultural silage and grain acres which represent a much larger acreage (1,000 x the acreage of feeding spaces) than animal feeding operations occupy. In summary, these analyses indicate first that the AFO general permit has made tremendous strides towards mitigating nitrogen loads from feeding spaces, but also that increased poultry production plays an important role in offsetting this progress. As a result, we contend that maintaining a status quo permit, given the growth in poultry production which has been documented over the past 30 years, will result in increased nitrogen loads to Chesapeake Bay. Furthermore, these results do not capture air quality impacts related to ammonia air emissions which have been documented as a significant issue<sup>4, 5</sup>. While air monitoring represents a new and challenging component to incorporate into these permits, it is critical DEQ take this opportunity to comprehensively consider the water quality impacts directly related to ammonia emissions and monitoring is a critical step to moving forward on this front. We look forward to working with DEQ and other stakeholders to identify cost-effective and un-intrusive strategies which will advance this permit such that it achieves the goals intended of mitigating pollution and specifically reducing nitrogen, phosphorous and sediment loads to the Chesapeake Bay. We would welcome an opportunity to meet to discuss these analyses and ideas for moving forward prior to the Technical Advisory Committee, and further would be happy to present this information to the committee. Thanks so much for this opportunity to provide comments and we look forward to working together soon.</p>	
Mr. Wayne Pryor submitted by Ms. Whitney Perkins	<p>The Virginia Farm Bureau Federation is the largest farm membership organization in Virginia representing over 35,000 farm families from every agricultural production sector including poultry producers. Our comments pertain to the notice of intended regulatory action dated August 21, 2018 for the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. We believe the VPA general permit is sufficient to regulate poultry farms that generate dry poultry waste and protect water quality; and, therefore we support the reissuance of the current general permit for poultry waste management.</p>	Mr. Wayne Pryor submitted by Ms. Whitney Perkins

## Public Participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the State Water Control Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. The agency/board is also seeking information on impacts



on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to **Betsy Bowles, P.O. Box 1105, Richmond, Virginia 23218, phone: 804-698-4059 and Betsy.Bowles@deq.virginia.gov**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

### Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.*

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-10 (Definitions)	N/A	This definition is not in the current regulation, only in the Law.	Added "Commercial poultry processor" definition. Definition comes directly from §62.1-17:1.1 and relates to new section added (9VAC25-630-90). This addition brings the definition forward into the regulation to facilitate a better understanding of the defined term.
9VAC25-630-10 (Definitions)	N/A	This definition is currently contained in the special conditions located in the contents of the general permit 9VAC25-630-50.	Added "Seasonal high water table" definition. Definition was stated in numerous conditions within the regulation; it was removed from conditions and moved to the definition section. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-630-20 C (Purpose)	N/A	The current regulation will expire on December 1, 2020.	Amended effective date for General Permit to read December 1, 2020. Amended dates to allow for continuation of coverage under the General Permit. Amending this date will allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-25 E (Duty to comply)	N/A	Currently, the regulation does not outline any specific requirements to be followed by the commercial poultry processor.	Added: E. Any commercial poultry processor shall comply with the requirements outlined in 9VAC25-630-90. Added subsection to make it clear the duty to comply relating to the new section added (9VAC25-630-90). The addition of this subsection makes it clear that there is a duty to comply to specific requirements outlined in the new section (9VAC25-630-90).
9VAC25-630-30 A 2 (Authorization to manage pollutants)	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
9VAC25-630-30 B 2 b (Authorization to manage pollutants)	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
9VAC25-630-30 D 1 (Authorization to manage pollutants)	N/A	The current regulation allows for the continuation of the general permit coverage.	Removed the dates and revised the language to make it consistent with language in other general permits.
9VAC25-630-30 D 2 (Authorization to manage pollutants)	N/A	The current regulation is slightly inconsistent with the other general permit that covers animal feeding operations.	Amended language to make it consistent with the other VPA General Permit related to Animal Waste (9VAC25-192-50). This amended language will bring consistency to the general permit language that covers all of the animal waste facilities covered by the general permits.
9VAC25-630-40 A (Registration statement)	N/A	The email address is only required if applicable. The registration statement only refers to the integrator and not the commercial poultry processor.	Amended language: removed "if available" for the email address item on the registration statement. Amending this language will allow the agency to have a more efficient and cost effective method for contacting the permittee. Added the commercial poultry processor to the registration statement section to ensure the applicant understands the term and ensure consistency in throughout the regulation.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-40 B (Registration statement)	N/A	The email address is only required if applicable. The registration statement does not require the applicant to indicate the integrator.	Amended language: removed "if available" for the email address item on the registration statement. Amending this language will allow the agency to have a more efficient and cost effective method for contacting the permittee. Added requirement to provide name of commercial poultry processor/integrator if the permittee is contracting to raise birds with an integrator. Adding this information allows the agency to know who the integrator is for the facility.
9VAC25-630-50 (Contents of the general permit)	N/A	The current regulation will expire on December 1, 2020.	Amended effective date for General Permit to read December 1, 2020. Amended date for reissuance of General Permit. Amending this date will allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The tagline does not exist.	Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: "Site design, storage and operation requirements". The conditions have been separated from the poultry waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections.
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The special conditions are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 was not renumbered B 2 was not renumbered B 3 was not renumbered Original B 4 is now C 1 Original B 4 d is now C 2 New condition - C 3 Original B 4 e is now C 4 B 4 is a new condition Original B 5 is now D 2 Original B 6 is now C 5 Original B 7 is now B 5 Original B 8 is now C 6 Original B 9 is now C 7 Original B 10 is now C 8 Original B 11 is now C 10 Original B 12 is now C 11 Original B 13 is now D 1 Conditions are being kept, some were amended, many were moved to a specific subsection and renumbered. The site conditions have been separated from the poultry waste transfer and utilization conditions and other special conditions to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 c.	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 c.	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 d (2)	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage - 200 feet from any occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 3	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	New condition.	Added a new special condition (new B 4) for the site related to managing impervious surfaces and poultry waste. Adding this condition ensures clarity with the expectations of site management.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The overall requirements for storage exist in the current regulation.	Added a new subsection related to poultry waste storage conditions to allow for the reorganization of the conditions into specific subject matters within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Poultry waste transfer and utilization requirements". This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in renumbered C 2 and C 5 a because the conditions were moved to the new subsection C. This change will ensure the requirements are understandable.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The condition only requires that the records are maintained on site and made available to staff upon request.	Added a reporting requirement to phase in reporting by the permitted grower. In the first year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records upon the request of the department, in a format and method determined by the department. In the second year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records, annually, records for the preceding state fiscal year (July 1 through June 30) no later than September 15. The addition of this requirement ensures that the agency will receive the transfer records annually to facilitate the submittal of the records by DEQ to the Chesapeake Bay Office of the EPA.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 3 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 4 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part I (new) C	N/A	The requirement to report unusual or extraordinary discharges is a condition found in Part II H of the permit.	Added a new condition to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.
9VAC25-630-50 (Contents of the general permit) Part I (new) D	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Other special conditions". The language in the conditions moved to this new subsection remain unchanged. This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part II subsection A	N/A	This condition exists in the regulation.	Amended this condition. The procedures for soil and waste analysis are determined by the Department of Conservation and Recreation (DCR). DCR also administers the Nutrient Management Training and Certification Regulations. Amended the language to clarify that the requirements are found in the permit.
9VAC25-630-50 (Contents of the general permit) Part II subsection H	N/A	This condition exists in the regulation.	Amended this condition. Correct a typo effect instead of affect.
9VAC25-630-50 (Contents of the general permit) Part II subsection I	N/A	This condition exists in the regulation.	Amended this condition. Corrected name of the Virginia Department of Emergency Management.
9VAC25-630-50 (Contents of the general permit) Part II subsection W	N/A	The condition exists in the regulation.	Amended the condition. Amended the language to make it clear that all areas (such as storage, and land application areas) where the pollutant management activities occur can be inspected by department staff.



Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	The tagline does not exist.	Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: "Site design, storage and operation requirements". The conditions have been separated from the poultry waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections.
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	The special conditions are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 was not renumbered B 2 was not renumbered B 3 was not renumbered Original B 4 is now C 1 B 4 is a new condition Original B 5 is now C 2 Original B 6 is now C 3 Original B 7 is now C 4 New condition - C 5 Original B 8 is now C 6 Original B 9 is now D 2 Original B 10 is now C 7 Original B 11 is now B 5 Original B 12 is now C 8 Original B 13 is now C 9 Original B 14 is now C 10 New condition - C 11 Original B 15 is now C 12 Original B 16 is now C 13 Original B 17 is now D 1 Conditions are being kept, some were amended, many were moved to a specific subsection and renumbered. The site conditions have been separated from the poultry waste transfer and utilization conditions and other special conditions to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 c.	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 c.	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 d (2)	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage - 200 feet from any occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 3	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	New condition.	Added a new special condition (new B 4) for the site related to managing impervious surfaces and poultry waste. Adding this condition ensures clarity with the expectations of site management.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	The overall requirements for storage exist in the current regulation.	Added a new subsection and tagline specific to "Poultry waste transfer and utilization requirements". This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The condition only requires that the records are maintained on site and made available to staff upon request.	Added a reporting requirement to phase in reporting by the permitted end-user or permitted broker. In the first year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records upon the request of the department, in a format and method determined by the department. In the second year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records, annually, records for the preceding state fiscal year (July 1 through June 30) no later than September 15.  The addition of this requirement ensures that the agency will receive the transfer records annually to facilitate the submittal of the records by DEQ to the Chesapeake Bay Office of the EPA.



Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citations in C 4 and C 7 a because the conditions was moved to the new subsection C. The changes will ensure the requirements are understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 8 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 9 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	The requirement to report unusual or extraordinary discharges is a condition found in Part II H of the permit.	Added a new condition C 11 to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) D	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Other special conditions". The language in the conditions moved to this new subsection remain unchanged. This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection A	N/A	The existing requirement is clarified.	Amended subsection A to clarify that the form for broker registration is provided by the department. Amending this language provides clarity for where the form originates.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection C	N/A	This is an existing condition.	Corrected typo in C 2 f. Correcting this typo will not change the requirements for the broker; only clarify the language.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection D	N/A	This is an existing condition.	Amended the dates for recordkeeping and reporting. Added the requirements to the items required to be reported annually. The change to recordkeeping and reporting timeframes of the poultry waste transfer data from the broker will facilitate a more complete and accurate data set that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection E	N/A	The recordkeeping item exists in the section; it is not explicitly required to report the item separately.	Added language related to original sources of commingled poultry waste. The added language will facilitate better tracking of poultry waste transfers which will provide for a more complete and accurate data set that can be sent by DEQ to the Chesapeake Bay Office of EPA.
9VAC25-630-70 (Tracking and accounting requirements for poultry waste end-users) Subsection A	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality in subsection A 1 b. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-70 (Tracking and accounting requirements for poultry waste end-users) Subsection A	N/A	Reporting requirement is not in the current regulation.	Added phased in reporting for waste transfer & land application records which are required to be maintained by the current regulation. First and second year send to DEQ annually upon request of DEQ. 3rd year – submit records for preceding state fiscal year, no later September 15.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage in subsection <i>B 1 d (2)</i> - 200 feet from any occupied dwelling not on the non-permitted end-user's or non-permitted broker's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	Existing condition.	Amended language in subsection C to clarify the requirements and make the threshold consistent for a better understanding of the regulatory requirements. This was supposed to be corrected during the last regulatory action based on the TAC and staff decision to keep the 10 ton threshold. This amendment will make the regulation consistent and easier to understand and comply with for the applicable entities.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	These are existing conditions.	Corrected the citation in <i>C 1 c (2)</i> , <i>C 1 c (3)</i> and <i>C 2</i> due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	This is a new condition.	Added a new condition (C 4) to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection E	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
N/A	9VAC25-630-90. Commercial poultry processor activities	Currently, the regulation does not outline any specific requirements to be followed by the commercial poultry processor.	Added a new section with language related to the commercial poultry processor activities. Added the new section to address activities performed by the commercial poultry processor on the contract grower's farm. Adding this section will provide accountability for activities that are performed by a commercial poultry processor.
FORMS (9VAC25-630)	N/A	The current effective forms are consistent with the current regulation.	Revised forms and Poultry Litter Fact Sheet to be consistent with the changes made to 9VAC25-630-40, 9VAC25-630-70 and 9VAC25-630-80. Revising the registration statements and the Poultry Litter Fact Sheet will provide forms consistent with the changes made to sections previously mentioned.

### Family Impact

*In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

It is not anticipated that an amendment to this regulation will have any impacts on the family and family stability.

**Project 5666 - NOIRA**

**STATE WATER CONTROL BOARD**

**Reissue and amend, if necessary, the Virginia Pollution Abatement Regulation and  
General Permit for**

**CHAPTER 630**

**VIRGINIA POLLUTION ABATEMENT REGULATION AND GENERAL PERMIT FOR POULTRY  
WASTE MANAGEMENT**

**9VAC25-630-10. Definitions.**

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the Permit Regulation (9VAC25-32) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Agricultural storm water discharge" means a precipitation-related discharge of manure, litter, or process wastewater that has been applied on land areas under the control of an animal feeding operation or under the control of a poultry waste end-user or poultry waste broker in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.

"Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where both of the following conditions are met:

1. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purpose of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

"Commercial poultry processor" or "processor" means any animal food manufacturer, as defined in § 3.2-5400, that contracts with poultry growers for the raising of poultry.

"Confined animal feeding operation," for the purposes of this regulation, has the same meaning as an "animal feeding operation."

"Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Fact sheet" means the document prepared by the department that summarizes the requirements set forth in this chapter regarding utilization, storage, and management of poultry waste by poultry waste end-users and poultry waste brokers.

"General permit" means 9VAC25-630-50.

"Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment, and management of poultry waste, including dry litter, and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters; except that for a poultry waste end-user or poultry waste broker who is not subject to the general permit, the requirements of 9VAC25-630-80 constitute the NMP.

"Organic source" means any nutrient source including, but not limited to, manures, biosolids, compost, and waste or sludges from animals, humans, or industrial processes, but for the purposes of this regulation it excludes waste from wildlife.

"Permittee" means the poultry grower, poultry waste end-user, or poultry waste broker whose poultry waste management activities are covered under the general permit.

"Poultry grower" or "grower" means any person who owns or operates a confined poultry feeding operation.

"Poultry waste" means dry poultry litter and composted dead poultry.

"Poultry waste broker" or "broker" means a person who possesses or controls poultry waste that is not generated on an animal feeding operation under his operational control and who transfers or hauls poultry waste to other persons. If the entity is defined as a broker they cannot be defined as a hauler for the purposes of this regulation.

"Poultry waste end-user" or "end-user" means any recipient of transferred poultry waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial end use for an operation under his control.

"Poultry waste hauler" or "hauler" means a person who provides transportation of transferred poultry waste from one entity to another, and is not otherwise involved in the transfer or transaction of the waste, nor responsible for determining the recipient of the waste. The responsibility of the recordkeeping and reporting remains with the entities to which the service was provided: grower, broker, and end-user.

"Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table.

"Standard rate" means a land application rate for poultry waste approved by the board as specified in this regulation.

"Vegetated buffer" means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

**9VAC25-630-20. Purpose; delegation of authority; effective date of permit.**

A. This regulation governs the management of poultry waste at confined poultry feeding operations not covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit and poultry waste utilized or stored by poultry waste end-users or poultry waste brokers. It establishes requirements for proper nutrient management, waste storage, and waste tracking and accounting of poultry waste.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on December 1, ~~2040~~ 2020. This general permit will expire 10 years from the effective date.

**9VAC25-630-25. Duty to comply.**

A. Any person who manages or proposes to manage pollutants regulated by 9VAC25-630 shall comply with the applicable requirements of this chapter.

B. In order to manage pollutants from a confined poultry feeding operation, the poultry grower shall be required to obtain coverage under the Virginia Pollution Abatement (VPA) general permit or an individual VPA permit provided that the poultry grower has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit. The poultry grower shall comply with the requirements of this chapter and the permit.

C. Any poultry waste end-user or poultry waste broker shall comply with the technical requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80. Any poultry waste end-user or poultry waste broker who does not comply with the technical requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80 may be required to obtain coverage under the general permit.

D. Any poultry waste end-user or poultry waste broker who is required by the board to obtain coverage under the Virginia Pollution Abatement general permit shall obtain coverage and comply with the requirements of this chapter.

E. Any commercial poultry processor shall comply with the requirements outlined in 9VAC25-630-90.

**9VAC25-630-30. Authorization to manage pollutants.**

A. Poultry grower. Any poultry grower governed by this general permit is hereby authorized to manage pollutants at confined poultry feeding operations provided that the poultry grower files the registration statement of 9VAC25-630-40, complies with the requirements of 9VAC25-630-50, and:

1. The poultry grower has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit or an individual permit according to 9VAC25-32-260 B;

2. The activities of the confined poultry feeding operation shall not contravene the Water Quality Standards (9VAC25-260), as ~~amended~~ and adopted and amended by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage or industrial waste shall not be managed under this general permit;

3. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit by a permittee for routine disposal of daily poultry mortalities shall be a violation of this permit. This prohibition shall not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia;

4. The poultry grower shall obtain Department of Conservation and Recreation approval of a nutrient management plan for the confined poultry feeding operation prior to the submittal of the registration statement. The poultry grower shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan that was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The poultry grower shall implement the approved nutrient management plan;

5. Adjoining property notification.



136 a. Prior to filing a general permit registration statement for a confined poultry feeding  
137 operation that proposes construction of poultry growing houses after December 1,  
138 2000, the poultry grower shall give notice to all owners or residents of property that  
139 adjoins the property on which the proposed confined poultry feeding operation will be  
140 located. Such notice shall include (i) the types and maximum number of poultry which  
141 will be maintained at the facility and (ii) the address and phone number of the  
142 appropriate department regional office to which comments relevant to the permit may  
143 be submitted.

144 b. Any person may submit written comments on the proposed operation to the  
145 department within 30 days of the date of the filing of the registration statement. If, on  
146 the basis of such written comments or his review, the director determines that the  
147 proposed operation will not be capable of complying with the provisions of the general  
148 permit, the director shall require the owner to obtain an individual permit for the  
149 operation. Any such determination by the director shall be made in writing and received  
150 by the poultry grower not more than 45 days after the filing of the registration statement  
151 or, if in the director's sole discretion additional time is necessary to evaluate comments  
152 received from the public, not more than 60 days after the filing of the registration  
153 statement; and

154 6. Each poultry grower covered by this general permit shall complete a training program  
155 offered or approved by the department within one year of filing the registration statement  
156 for general permit coverage. All permitted poultry growers shall complete a training  
157 program at least once every five years.

158 B. Poultry waste end-user, poultry waste broker. Any poultry waste end-user or poultry waste  
159 broker shall comply with the requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and  
160 9VAC25-630-80 or the general permit as applicable.

161 1. Any poultry waste end-user or poultry waste broker who does not comply with the  
162 requirements of 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80 may be required  
163 to obtain coverage under the general permit.

164 2. Any poultry waste end-user or poultry waste broker governed by this general permit is  
165 hereby authorized to manage pollutants relating to the utilization and storage of poultry  
166 waste provided that the poultry waste end-user or poultry waste broker files the registration  
167 statement of 9VAC25-630-40, complies with the requirements of 9VAC25-630-50, and:

- 168 a. The poultry waste end-user or poultry waste broker has not been required to obtain  
169 a Virginia Pollution Abatement individual permit according to subdivision 2 b of  
170 9VAC25-32-260;
- 171 b. The activities of the poultry waste end-user or poultry waste broker shall not  
172 contravene the Water Quality Standards (9VAC25-260), as ~~amended and adopted and~~  
173 amended by the board, or any provision of the State Water Control Law (§ 62.1-44 et  
174 seq. of the Code of Virginia). There shall be no point source discharge of wastewater  
175 to surface waters of the state except in the case of a storm event greater than the 25-  
176 year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic  
177 sewage or industrial waste shall not be managed under this general permit;
- 178 c. The poultry waste end-user or poultry waste broker shall obtain Department of  
179 Conservation and Recreation approval of a nutrient management plan for land  
180 application sites where poultry waste will be utilized or stored and managed prior to  
181 the submittal of the registration statement. The poultry waste end-user or the poultry  
182 waste broker shall attach to the registration statement a copy of the approved nutrient  
183 management plan and a copy of the letter from the Department of Conservation and  
184 Recreation certifying approval of the nutrient management plan that was developed  
185 by a certified nutrient management planner in accordance with § 10.1-104.2 of the  
186 Code of Virginia. The poultry waste end-user or the poultry waste broker shall  
187 implement the approved nutrient management plan; and
- 188 d. Each poultry waste end-user or poultry waste broker covered by this general permit  
189 shall complete a training program offered or approved by the department within one  
190 year of filing the registration statement for general permit coverage. All permitted  
191 poultry waste end-users or permitted poultry waste brokers shall complete a training  
192 program at least once every five years.
- 193 C. Receipt of this general permit does not relieve any poultry grower, poultry waste end-user,  
194 or poultry waste broker of the responsibility to comply with any other applicable federal, state or  
195 local statute, ordinance or regulation.
- 196 D. Continuation of permit coverage.
- 197 1. Any owner that was authorized to manage pollutants under the general permit ~~issued~~  
198 ~~in 2000~~, and that submits a complete registration statement on or before ~~November 30,~~  
199 ~~2010~~ the expiration date, is authorized to continue to manage pollutants under the terms  
200 of the 2000 general permit until such time as the board either:
- 201 a. Issues coverage to the owner under this general permit; or

- b. Notifies the owner that coverage under this permit is denied.
2. When the permittee that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:
- a. Initiate enforcement action based upon the existing or expired general permit;
  - b. Issue a notice of intent to deny coverage under the ~~amended~~ reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the activities authorized by the ~~continued~~ existing or expired general permit or be subject to enforcement action for operating without a permit;
  - c. Issue an individual permit with appropriate conditions; or
  - d. Take other actions set forth in the VPA Permit Regulation (9VAC25-32).

**9VAC25-630-40. Registration statement.**

A. Poultry growers. In order to be covered under the general permit, the poultry grower shall file a complete VPA General Permit Registration Statement. The registration statement shall contain the following information:

- 1. The poultry grower's name, mailing address, email address (~~if available~~), and telephone number;
- 2. The farm name (if applicable) and location of the confined poultry feeding operation;
- 3. The name, email address (~~if available~~), and telephone number of a contact person or operator other than the poultry grower, if necessary;
- 4. The best time of day and day of the week to contact the poultry grower or contact person;
- 5. If the facility has an existing VPA permit, the permit number;
- 6. Indicate whether the poultry are grown under contract with a commercial poultry processor or poultry integrator and give the name of the processor or integrator (if applicable);
- 7. The types of poultry and the maximum numbers of each type to be grown at the facility at any one time;
- 8. Identification of the method of dead bird disposal;
- 9. An indication of whether new poultry growing houses are under construction or planned for construction;
- 10. A copy of the nutrient management plan approved by the Department of Conservation and Recreation;

234 11. A copy of the Department of Conservation and Recreation nutrient management plan  
235 approval letter that also certifies that the plan was developed by a certified nutrient  
236 management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

237 12. The following certification: "I certify that for any confined poultry feeding operation that  
238 proposes construction of new poultry growing houses, notice of the registration statement  
239 has been given to all owners or residents of property that adjoins the property on which  
240 the confined poultry feeding operation will be located. This notice included the types and  
241 numbers of poultry which will be grown at the facility and the address and phone number  
242 of the appropriate Department of Environmental Quality regional office to which comments  
243 relevant to the permit may be submitted. I certify under penalty of law that all the  
244 requirements of the board for the general permit are being met and that this document  
245 and all attachments were prepared under my direction or supervision in accordance with  
246 a system designed to assure that qualified personnel properly gather and evaluate the  
247 information submitted. Based on my inquiry of the person or persons who manage the  
248 system or those persons directly responsible for gathering the information, the information  
249 submitted is to the best of my knowledge and belief true, accurate, and complete. I am  
250 aware that there are significant penalties for submitting false information, including the  
251 possibility of fine and imprisonment for knowing violations."

252 B. Poultry waste end-users or poultry waste brokers. In order to be covered under the general  
253 permit, the poultry waste end-user or poultry waste broker shall file a complete VPA General  
254 Permit Registration Statement. The registration statement shall contain the following information:

- 255 1. The poultry waste end-user's or poultry waste broker's name, mailing address, email  
256 address (~~if available~~), and telephone number;
- 257 2. The location of the operation where the poultry waste will be utilized, stored, or  
258 managed;
- 259 3. The best time of day and day of the week to contact the poultry waste end-user or  
260 poultry waste broker;
- 261 4. If the facility has an existing VPA permit, the permit number;
- 262 5. If confined poultry are located at the facility, indicate the number of confined poultry and  
263 give the name of the processor or integrator (if applicable);
- 264 6. A copy of the nutrient management plan approved by the Department of Conservation  
265 and Recreation;

7. A copy of the Department of Conservation and Recreation nutrient management plan approval letter that also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

8. The following certification: "I certify under penalty of law that all the requirements of the board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. The registration statement shall be signed in accordance with 9VAC25-32-50.

**9VAC25-630-50. Contents of the general permit.**

Any poultry grower, poultry waste end-user, or poultry waste broker whose registration statement is accepted by the board will receive the following general permit and shall comply with the requirements therein and be subject to the VPA Permit Regulation, 9VAC25-32.

General Permit No. VPG2

Effective Date: December 1, ~~2010~~ 2020

Expiration Date: November 30, ~~2020~~ 2030

**GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT**

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION  
ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined poultry feeding operations having 200 or more animal units, poultry waste end-users, and poultry waste brokers are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where board regulations prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement and supporting documents submitted to the Department of Environmental Quality, this cover page, and Part I—Pollutant Management and Monitoring Requirements for Confined Poultry Feeding Operations and Part II—Conditions Applicable to All VPA Permits and Part III—Pollutant Management and Monitoring Requirements for Poultry Waste End-Users and Poultry Waste Brokers, as set forth herein.

300

## Part I

## 301 Pollutant Management and Monitoring Requirements for Confined Poultry Feeding Operations

## 302 A. Pollutant management authorization and monitoring requirements.

303 1. During the period beginning with the permittee's coverage under this general permit and  
 304 lasting until the permit's expiration date, the permittee is authorized to manage pollutants  
 305 at the location or locations identified in the registration statement and the facility's  
 306 approved nutrient management plan.

307 2. If poultry waste is land applied, it shall be applied at the rates specified in the facility's  
 308 approved nutrient management plan.

309 3. Soil at the land application sites shall be monitored as specified below. Additional soils  
 310 monitoring may be required in the facility's approved nutrient management plan.

## SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite *
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite *
Potash	NL	ppm or lbs/ac	1/3 years	Composite *
Calcium	NL	ppm or lbs/ac	1/3 years	Composite *
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite *

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

\*Specific sampling requirements are found in the facility's approved nutrient management plan.

311 4. Poultry waste shall be monitored as specified below. Additional waste monitoring may  
 312 be required in the facility's approved nutrient management plan.

## WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/3 years	Composite
Ammonia Nitrogen	NL	*	1/3 years	Composite
Total Phosphorus	NL	*	1/3 years	Composite
Total Potassium	NL	*	1/3 years	Composite

Moisture Content	NL	%	1/3 years	Composite
------------------	----	---	-----------	-----------

NL = No limit, this is a monitoring requirement only.

\*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

313 5. Analysis of soil and waste shall be according to methods specified in the facility's  
314 approved nutrient management plan.

315 6. All monitoring data required by Part I A shall be maintained on site in accordance with  
316 Part II B. Reporting of results to the department is not required; however, the monitoring  
317 results shall be made available to department personnel upon request.

318 B. Other Site design, storage and operation requirements ~~or special conditions~~.

319 1. The confined poultry feeding operation shall be designed and operated to (i) prevent  
320 point source discharges of pollutants to state waters except in the case of a storm event  
321 greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity  
322 to accommodate periods when the ground is ice covered, snow covered or saturated,  
323 periods when land application of nutrients should not occur due to limited or nonexistent  
324 crop nutrient uptake, and periods when physical limitations prohibit the land application of  
325 waste.

326 2. Poultry waste shall be stored according to the nutrient management plan and in a  
327 manner that prevents contact with surface water and ground water. Poultry waste that is  
328 stockpiled outside of the growing house for more than 14 days shall be kept in a facility or  
329 at a site that provides adequate storage. Adequate storage shall, at a minimum, include  
330 the following:

- 331 a. Poultry waste shall be covered to protect it from precipitation and wind;
- 332 b. Storm water shall not run onto or under the stored poultry waste;
- 333 c. A minimum of two feet of separation distance to the seasonal high water table or an  
334 impermeable barrier shall be used under the stored poultry waste. All poultry waste  
335 storage facilities that use an impermeable barrier shall maintain a minimum of one foot  
336 of separation between the seasonal high water table and the impermeable barrier.  
337 ~~"Seasonal high water table" means that portion of the soil profile where a color change~~  
338 ~~has occurred in the soil as a result of saturated soil conditions or where soil concretions~~  
339 ~~have formed. Typical colors are gray mottlings, solid gray or black. The depth in the~~  
340 ~~soil at which these conditions first occur is termed the seasonal high water table.~~  
341 Impermeable barriers must be constructed of at least 12 inches of compacted clay, at  
342 least four inches of reinforced concrete, or another material of similar structural

integrity that has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second); and

d. For poultry waste that is not stored under roof, the storage site must be at least:

(1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and

(2) 200 feet from any occupied dwellings not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site).

3. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless the poultry grower has no land outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. New, expanded or replacement poultry growing houses that are constructed after December 1, 2000, shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

~~4. Poultry waste may be transferred from a permitted poultry grower to another person without identifying the fields where such waste will be utilized in the permitted poultry grower's approved nutrient management plan if the following conditions are met:~~

~~a. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person with:~~

~~(1) Grower name, address, and permit number;~~

~~(2) A copy of the most recent nutrient analysis of the poultry waste; and~~

~~(3) A fact sheet.~~

~~b. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the following:~~

~~(1) The recipient name and address;~~

~~(2) The amount of poultry waste received by the person;~~

~~(3) The date of the transaction;~~

~~(4) The nutrient analysis of the waste; and~~



~~(5) The signed waste transfer records form acknowledging the receipt of the following:~~

~~(a) The waste;~~

~~(b) The nutrient analysis of the waste; and~~

~~(c) A fact sheet.~~

~~c. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, and the recipient of the waste is someone other than a broker, the poultry grower shall keep a record of the following:~~

~~(1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city and zip code); and~~

~~(2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.~~

~~d. Poultry growers shall maintain the records required by Part I B 4 a, b, and c for at least three years after the transaction and shall make them available to department personnel upon request.~~

~~e. Poultry waste generated by this facility shall not be applied to fields owned by or under the operational control of either the poultry grower or a legal entity in which the poultry grower has an ownership interest unless the fields are included in the facility's approved nutrient management plan.~~

The permittee shall operate and manage the facility so that impervious surfaces such as concrete end pads or load out pads and surrounding areas, and ventilation outlets are kept clean of poultry waste.

~~5. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry

waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.

C. Poultry waste transfer and utilization requirements.

1. Poultry waste may be transferred from a permitted poultry grower to another person without identifying the fields where such waste will be utilized in the permitted poultry grower's approved nutrient management plan if the following conditions are met:

a. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person with:

(1) Grower name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the poultry waste; and

(3) A fact sheet.

b. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the following:

(1) The recipient name and address;

(2) The amount of poultry waste received by the person;

(3) The date of the transaction;

(4) The nutrient analysis of the waste; and

(5) The signed waste transfer records form acknowledging the receipt of the following:

(a) The waste;

(b) The nutrient analysis of the waste; and

(c) A fact sheet.

c. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, and the recipient of the waste is someone other than a broker, the poultry grower shall keep a record of the following:

(1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code); and

(2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.

2. Poultry growers shall maintain the records required by Part I C 1 for at least three years after the transaction and shall make them available to department personnel upon request.

3. Transfer records reporting requirements. The grower shall submit the records required by Part I C 1 in accordance with the timing outlined in the subdivisions below.

a. Beginning in the first year after the effective date of this permit, upon request by the department, the grower shall submit the records in a format and method determined by the department.

b. Beginning the second year after the effective date of this permit, the grower shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.

4. Poultry waste generated by this facility shall not be applied to fields owned by or under the operational control of either the poultry grower or a legal entity in which the poultry grower has an ownership interest unless the fields are included in the facility's approved nutrient management plan.

~~6.~~ 5. The poultry grower shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

a. Site map indicating the location of the waste storage facilities and the fields where waste generated by this facility will be applied by the poultry grower. The location of fields as identified in ~~Part I B 4 e~~ Part I C 4 shall also be included;

b. Site evaluation and assessment of soil types and potential productivities;

c. Nutrient management sampling including soil and waste monitoring;

d. Storage and land area requirements for the grower's poultry waste management activities;

e. Calculation of waste application rates; and

f. Waste application schedules.

~~7. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.~~

477 ~~8.~~ 6. Nitrogen application rates contained in the NMP shall be established in accordance  
478 with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be  
479 managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water  
480 quality impacts from nitrogen.

481 ~~9.~~ 7. Phosphorus application rates contained in the NMP shall be established in  
482 accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste  
483 shall be managed to minimize runoff and leaching and reduce adverse water quality  
484 impacts from phosphorous.

485 ~~10.~~ 8. The timing of land application of poultry waste shall be according to the schedule  
486 contained in the NMP, except that no waste may be applied to ice covered or snow  
487 covered ground or to soils that are saturated. Poultry waste may be applied to frozen  
488 ground within the NMP scheduled times only under the following conditions:

- 489 a. Slopes are not greater than 6.0%;
- 490 b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained
- 491 between the application area and all surface water courses;
- 492 c. Only those soils characterized by USDA as "well drained" with good infiltration are
- 493 used; and
- 494 d. At least 60% uniform cover by vegetation or crop residue is present in order to
- 495 reduce surface runoff and the potential for leaching of nutrients to ground water.

496 9. In cases where poultry waste storage is threatened by emergencies such as fire or flood  
497 or where these conditions are imminent, poultry waste can be land applied outside of the  
498 spreading schedule outlined in the grower's NMP. If this occurs, the poultry grower shall  
499 document the land application information in accordance with Part I C 11 and notify the  
500 Department in accordance with Part II H.

501 ~~11.~~ 10. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste  
502 application sites shall, at a minimum, be maintained as follows:

- 503 a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless
- 504 the occupant of the dwelling signs a waiver of the buffer zone);
- 505 b. Distance from water supply wells or springs: 100 feet;
- 506 c. Distance from surface water courses: 100 feet (without a permanent vegetated
- 507 buffer) or 35 feet (if a permanent vegetated buffer exists).

508 Other site-specific conservation practices may be approved by the department that will  
509 provide pollutant reductions equivalent or better than the reductions that would be  
510 achieved by the 100-foot buffer;

- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
- ~~12.~~ 11. The following records shall be maintained:
- a. The identification of the land application field sites where the waste is utilized or stored;
  - b. The application rate;
  - c. The application dates; and
  - d. What crops have been planted.

These records shall be maintained on site for a period of three years after recorded application is made and shall be made available to department personnel upon request.

D. Other special conditions.

~~13.~~ 1. Each poultry grower covered by this general permit shall complete a training program offered or approved by the department within one year of filing the registration statement for general permit coverage. All permitted poultry growers shall complete a training program at least once every five years.

2. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

Part II

Conditions Applicable to all VPA Permits

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under 40 CFR Part 136 unless ~~other procedures have been~~ otherwise specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

545 1. Records of monitoring information shall include:

546 a. The date, exact place, and time of sampling or measurements;

547 b. The name of the individual(s) who performed the sampling or measurements;

548 c. The date(s) analyses were performed;

549 d. The name of the individual(s) who performed the analyses;

550 e. The analytical techniques or methods used, with supporting information such as  
551 observations, readings, calculations and bench data; and

552 f. The results of such analyses.

553 2. The permittee shall retain records of all monitoring information, including all calibration  
554 and maintenance records and all original strip chart recordings for continuous monitoring  
555 instrumentation, copies of all reports required by this permit, and records of all data used  
556 to complete the application for this permit for a period of at least three years from the date  
557 of the sample, measurement, report or application. This period of retention may be  
558 extended by request of the board at any time.

559 C. Reporting monitoring results. If reporting is required by Part I or Part III of this general  
560 permit, the permittee shall follow the requirements of this subsection.

561 1. The permittee shall submit the results of the monitoring required by this permit not later  
562 than the 10th day of the month after the monitoring takes place, unless another reporting  
563 schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the  
564 department's regional office.

565 2. Monitoring results shall be reported on forms provided or specified by the department.

566 3. If the permittee monitors the pollutant management activity, at a sampling location  
567 specified in this permit, for any pollutant more frequently than required by the permit using  
568 approved analytical methods, the permittee shall report the results of this monitoring on  
569 the monitoring report.

570 4. If the permittee monitors the pollutant management activity, at a sampling location  
571 specified in this permit, for any pollutant that is not required to be monitored by the permit,  
572 and uses approved analytical methods, the permittee shall report the results with the  
573 monitoring report.

574 5. Calculations for all limitations that require averaging of measurements shall utilize an  
575 arithmetic mean unless otherwise specified in this permit.

576 D. Duty to provide information. The permittee shall furnish to the department, within a  
577 reasonable time, any information which the director may request to determine whether cause  
578 exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance

with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the director prior to commencing construction.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F or (ii) a discharge that may reasonably be expected to enter state waters in violation of Part II F shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse ~~affects~~ effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.



NOTE: The immediate (within 24 hours) reports required in Parts II F, G and H may be made to the department's regional office. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency ~~Services~~ Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.

2. The permittee shall give at least 10 days advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this general permit and 9VAC25-630. Any noncompliance with the general permit or 9VAC25-630 constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 30 days before the expiration date of the existing permit unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on bypassing (Part II U), and upset (Part II V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. Prohibition. "Bypass" means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.

2. Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects, the board may approve an anticipated bypass if:

a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production; and

b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

3. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and entry. Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's public or private property, public or private on which the pollutant management activities that are governed by this permit are located and have access to records required by this permit;

2. Have access to, inspect and copy any records that must be kept as part of permit conditions;

3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and

4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. The board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:

a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If the board notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability. The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

### Part III

#### Pollutant Management and Monitoring Requirements for Poultry Waste End-Users and Poultry Brokers

##### A. Pollutant management authorization and monitoring requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the permittee's approved nutrient management plan.

2. If poultry waste is land applied on land under the permittee's operational control, it shall be applied at the rates specified in the permittee's approved nutrient management plan.

3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the permittee's approved nutrient management plan.

#### SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite *
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite *
Potash	NL	ppm or lbs/ac	1/3 years	Composite *
Calcium	NL	ppm or lbs/ac	1/3 years	Composite *
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite *

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

\*Specific sampling requirements are outlined in the permittee's approved nutrient management plan.

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the permittee's approved nutrient management plan.

#### WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type

Total Kjeldahl Nitrogen	NL	*	1/3 years	Composite
Ammonia Nitrogen	NL	*	1/3 years	Composite
Total Phosphorus	NL	*	1/3 years	Composite
Total Potassium	NL	*	1/3 years	Composite
Moisture Content	NL	%	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

\*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

5. If waste from two or more poultry waste sources is commingled or stored then a sample that best represents the waste shall be used to calculate the nutrients available in the poultry waste for land application and shall be provided to the end-user of the waste.

6. Analysis of soil and waste shall be according to methods specified in the permittee's approved nutrient management plan.

7. All monitoring data required by Part III A shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department personnel upon request.

B. Other Site design, storage and operation requirements ~~or special conditions~~.

1. Poultry waste storage facilities shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is ice covered, snow covered or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the approved nutrient management plan and in a manner that prevents contact with surface water and ground water. Poultry waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

- a. Poultry waste shall be covered to protect it from precipitation and wind;
- b. Storm water shall not run onto or under the stored poultry waste;
- c. A minimum of two feet of separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot

of separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers must be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second); and

d. For poultry waste that is not stored under roof, the storage site must be at least: (1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and  
(2) 200 feet from any occupied dwellings not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site).

3. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless there is no land available outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

4. The permittee shall operate and manage the facility so that impervious surfaces such as concrete end pads or load out pads and surrounding areas, and ventilation outlets are kept clean of poultry waste.

5. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the



poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.

C. Poultry waste transfer and utilization requirements.

4. 1. When a poultry waste end-user or poultry waste broker receives, possesses, or has control over more than 10 tons of transferred poultry waste in any 365-day period, he shall provide the person from whom he received the poultry waste with:

a. The end-user or broker name, address, and permit number;

b. If the recipient of the poultry waste is an end-user, then he shall also provide the person from whom he received the poultry waste the following information:

(1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code);

(2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site; and

c. Written acknowledgement of receipt of:

(1) The waste;

(2) The nutrient analysis of the waste; and

(3) The fact sheet.

If the person receiving the waste is a poultry waste broker, then he shall also certify in writing that he will provide a copy of the nutrient analysis and fact sheet to each end user to whom he transfers poultry waste.

~~5.~~ 2. When a poultry waste broker transfers or hauls poultry waste to other persons, he shall provide the person who received the poultry waste with:

a. Broker name, address, and permit number;

b. The nutrient analysis of the waste; and

c. A fact sheet.

~~6.~~ 3. When a poultry waste end-user or poultry waste broker is a recipient of more than 10 tons of transferred poultry waste in any 365-day period, the poultry waste end-user or poultry waste broker shall keep a record regarding the transferred poultry waste:

a. The following items shall be recorded regarding the source of the transferred poultry waste:

(1) The source name and address;

(2) The amount of poultry waste received from the source; and

(3) The date the poultry waste was acquired.

b. The following items shall be recorded regarding the recipient of the transferred poultry waste:

- (1) The recipient name and address;
- (2) The amount of poultry waste received by the person;
- (3) The date of the transaction;
- (4) The nutrient content of the waste;
- (5) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code);
- (6) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site; and
- (7) The signed waste transfer records form acknowledging the receipt of the following:
  - (a) The waste;
  - (b) The nutrient analysis of the waste; and
  - (c) A fact sheet.

~~7.~~ 4. End-users or brokers shall maintain the records required by ~~Part III B 6~~ Part III C 3 for at least three years after the transaction and make them available to department personnel upon request.

5. Transfer records reporting requirements. The end-users and brokers shall submit the records required by Part III C 3 in accordance with the timing outlined in the subdivisions below.

a. Beginning in the first year after the effective date of this permit, upon request by the department, the end-users and brokers shall submit the records in a format and method determined by the department.

b. Beginning the second year after the effective date of this permit, the end-users and brokers shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.

~~8.~~ 6. If poultry waste is also generated by this facility it shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the permittee's approved nutrient management plan.

~~9. Poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to~~

~~regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

~~10. 7.~~ The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied by the permittee. The location of fields as identified in ~~Part III B~~ 8 Part III C 6 shall also be included;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements for the permittee's poultry waste management activities;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

~~11. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.~~

~~12. 8.~~ Nitrogen application rates contained in the NMP shall be established in accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water quality impacts from nitrogen.

~~13. 9.~~ Phosphorus application rates contained in the NMP shall be established in accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be managed to minimize runoff and leaching and reduce adverse water quality impacts from phosphorous.

989 14. 10. The timing of land application of poultry waste shall be according to the schedule  
990 contained in the NMP, except that no waste may be applied to ice covered or snow  
991 covered ground or to soils that are saturated. Poultry waste may be applied to frozen  
992 ground within the NMP scheduled times only under the following conditions:

- 993 a. Slopes are not greater than 6.0%;
- 994 b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained  
995 between the application area and all surface water courses;
- 996 c. Only those soils characterized by USDA as "well drained" with good infiltration are  
997 used; and
- 998 d. At least 60% uniform cover by vegetation or crop residue is present in order to  
999 reduce surface runoff and the potential for leaching of nutrients to ground water.

1000 11. In cases where poultry waste storage is threatened by emergencies such as fire or  
1001 flood or where these conditions are imminent, poultry waste can be land applied outside  
1002 of the spreading schedule outlined in the permittee's NMP. If this occurs, the permittee  
1003 shall document the land application information in accordance with Part III C 13 and notify  
1004 the Department in accordance with Part II H.

1005 45. 12. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste  
1006 application sites shall, at a minimum, be maintained as follows:

- 1007 a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless  
1008 the occupant of the dwelling signs a waiver of the buffer zone);
- 1009 b. Distance from water supply wells or springs: 100 feet;
- 1010 c. Distance from surface water courses: 100 feet (without a permanent vegetated  
1011 buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific  
1012 conservation practices may be approved by the department that will provide pollutant  
1013 reductions equivalent or better than the reductions that would be achieved by the 100-  
1014 foot buffer;
- 1015 d. Distance from rock outcropping (except limestone): 25 feet;
- 1016 e. Distance from limestone outcroppings: 50 feet; and
- 1017 f. Waste shall not be applied in such a manner that it would discharge to sinkholes that  
1018 may exist in the area.

1019 46. 13. The following records shall be maintained:

- 1020 a. The identification of the land application field sites where the waste is utilized or  
1021 stored;
- 1022 b. The application rate;

- 1023 c. The application dates; and  
1024 d. What crops have been planted.

1025 These records shall be maintained on site for a period of three years after recorded  
1026 application is made and shall be made available to department personnel upon request.

1027 D. Other special conditions.

1028 ~~47~~1. Each poultry waste end-user or poultry waste broker covered by this general permit  
1029 shall complete a training program offered or approved by the department within one year  
1030 of filing the registration statement for general permit coverage. All permitted poultry waste  
1031 end-users or permitted poultry waste brokers shall complete a training program at least  
1032 once every five years.

1033 2. Poultry feeding operations that use disposal pits for routine disposal of daily mortalities  
1034 shall not be covered under this general permit. The use of a disposal pit for routine  
1035 disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This  
1036 prohibition does not apply to the emergency disposal of dead poultry done according to  
1037 regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-  
1038 1400 et seq.) of Title 10.1 of the Code of Virginia.

1039 **9VAC25-630-60. Tracking and accounting requirements for poultry waste brokers.**

1040 A. Poultry waste brokers shall register with the department by providing their name and  
1041 address on a form ~~approved~~ provided by the department prior to transferring poultry waste.

1042 B. When a poultry waste broker transfers to another person more than 10 tons of poultry waste  
1043 in any 365-day period, the poultry waste broker shall provide information regarding the transfer of  
1044 poultry waste to both the source and recipient of the waste.

1045 1. The broker name and address shall be provided to the source of the transferred poultry  
1046 waste:

1047 2. The following items shall be provided to the recipient of the transferred poultry waste:

1048 a. The broker name and address;

1049 b. The most recent nutrient analysis of the poultry waste; and

1050 c. A fact sheet.

1051 C. When a poultry waste broker transfers to another person more than 10 tons of poultry waste  
1052 in any 365-day period, the poultry waste broker shall keep records regarding the transferred  
1053 poultry waste.

1054 1. The following items shall be recorded regarding the source of the transferred poultry  
1055 waste:

1056 a. The source name and address;

1057                   b. The amount of the poultry waste received from the source; and  
 1058                   c. The date the poultry waste was acquired.  
 1059           2. The following items shall be recorded regarding the recipient of the transferred poultry  
 1060           waste:  
 1061                   a. The recipient name and address;  
 1062                   b. The amount of poultry waste received by the person;  
 1063                   c. The date of the transaction;  
 1064                   d. The nutrient content of the waste;  
 1065                   e. The locality in which the recipient intends to utilize the waste (i.e., nearest town or  
 1066                   city, county and zip code);  
 1067                   f. The name of the stream ~~of~~ or waterbody if known to the recipient that is nearest to  
 1068                   the waste utilization or storage site; and  
 1069                   g. The signed waste transfer records form acknowledging the receipt of the following:  
 1070                   (1) The waste;  
 1071                   (2) The nutrient analysis of the waste; and  
 1072                   (3) A fact sheet.  
 1073           D. Poultry waste brokers shall submit ~~copies of~~ the records required by subsection C of this  
 1074           section, to the department annually ~~using a form approved~~ in a format and method determined by  
 1075           the department. Records for the preceding ~~calendar~~ state fiscal year (July 1 through June 30)  
 1076           shall be submitted to the department ~~not no~~ later than ~~February 15~~ September 15. Poultry waste  
 1077           brokers shall maintain the records required by subsection C and E of this section for at least three  
 1078           years and make them available to department personnel upon request.  
 1079           E. If waste from two or more poultry waste sources is commingled or stored then a sample  
 1080           that best represents the waste shall be used to calculate the nutrients available in the poultry  
 1081           waste for land application and shall be provided to the end-user of the waste. The original sources  
 1082           of the waste shall also be recorded and provided to the Department with the annual transfer  
 1083           records submittal.  
 1084           F. If the poultry waste broker land applies the poultry waste for the end-user then the broker  
 1085           shall provide the end-user with the records regarding land application as required by 9VAC25-  
 1086           630-70.  
 1087           G. Poultry waste brokers shall complete a training program offered or approved by the  
 1088           department within one year of registering with the department. Poultry waste brokers shall  
 1089           complete a training program at least once every five years.

H. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

**9VAC25-630-70. Tracking and accounting requirements for poultry waste end-users.**

A. When a poultry waste end-user is the recipient of more than 10 tons of poultry waste in any 365-day period, the end-user shall maintain records regarding the transfer and land application of poultry waste.

1. The poultry waste end-user shall provide the permitted poultry grower or poultry waste broker with the following items:

a. End-user name and address;

b. The locality in which the end-user intends to utilize the waste (i.e., nearest town or city, county and zip code);

c. The name of the stream or waterbody if known to the end-user that is nearest to the waste utilization or storage site; and

d. Written acknowledgement of receipt of:

(1) The waste;

(2) The nutrient analysis of the waste; and

(3) A fact sheet.

2. The poultry waste end-user shall record the following items regarding the waste transfer:

a. The source name, address, and permit number (if applicable);

b. The amount of poultry waste that was received;

c. The date of the transaction;

d. The final use of the poultry waste;

e. The locality in which the waste was utilized (i.e., nearest town or city, county and zip code); and

f. The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.

~~Records regarding poultry waste transfers~~ End-users shall be maintained maintain the records required by A1 and A2 on site for a period of three years after the transaction. All records shall be made available to department personnel upon request.

3. If waste is land applied, the poultry waste end-user shall keep a record of the following items regarding the land application of the waste:

1124 a. The nutrient analysis of the waste;  
1125 b. Maps indicating the poultry waste land application fields and storage sites;  
1126 c. The land application rate;  
1127 d. The land application dates;  
1128 e. What crops were planted;  
1129 f. Soil test results, if obtained;  
1130 g. NMP, if applicable; and  
1131 h. The method used to determine the land application rates (i.e., phosphorus crop  
1132 removal, standard rate, soil test recommendations, or a nutrient management plan).  
1133 ~~Records regarding land application of poultry waste~~ End-users shall be maintained  
1134 maintain the records required by A3 on site for a period of three years after the recorded  
1135 application is made. All records shall be made available to department personnel upon  
1136 request.  
1137 4. Reporting requirements. End-users shall submit the records required by A1, A2 and A3  
1138 in accordance with the timing outlined in the subdivisions below.  
1139 a. Beginning in the first year and continuing through the second year after the effective  
1140 date of this regulation, upon request by the department, the end-user shall submit the  
1141 records in a format and method determined by the department; and  
1142 b. Beginning in the third year after the effective date of this regulation, the end-user  
1143 shall submit to the department, annually, the records for the preceding state fiscal year  
1144 (July 1 through June 30) no later than September 15.  
1145 B. Any duly authorized agent of the board may, at reasonable times and under reasonable  
1146 circumstances, enter any establishment or upon any property, public or private, for the purpose  
1147 of obtaining information or conducting surveys or investigations necessary in the enforcement of  
1148 the provisions of this regulation.  
1149 **9VAC25-630-80. Utilization and storage requirements for transferred poultry waste.**  
1150 A. Any poultry waste end-user or poultry waste broker who receives poultry waste shall comply  
1151 with the requirements outlined in the following sections.  
1152 B. Storage requirements. Any poultry waste end-user or poultry waste broker who receives  
1153 poultry waste shall comply with the requirements outlined in this section regarding storage of  
1154 poultry waste in their possession or under their control.  
1155 1. Poultry waste shall be stored in a manner that prevents contact with surface water and  
1156 ground water. Poultry waste that is stockpiled outside for more than 14 days shall be kept



in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

- a. Poultry waste shall be covered to protect it from precipitation and wind;
- b. Storm water shall not run onto or under the stored poultry waste;
- c. A minimum of two feet of separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot of separation between the seasonal high water table and the impermeable barrier. ~~"Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table.~~ Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second); and
- d. For poultry waste that is not stored under roof, the storage site must be at least:
  - (1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and
  - (2) 200 feet from any occupied dwellings not on the end-user's or broker's property (unless the occupant of the dwelling signs a waiver of the storage site).

2. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless there is no land available outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

C. Land application requirements. Any poultry waste end-user or poultry waste broker who (i) receives ~~five~~ ten or more tons of poultry waste in any 365-day period and (ii) land applies poultry waste shall follow appropriate land application requirements as outlined in this section. The application of poultry waste shall be managed to minimize adverse water quality impacts.

1. The maximum application rates can be established by the following methods:

- 1191 a. Phosphorus crop removal application rates can be used when:
- 1192 (1) Soil test phosphorus levels do not exceed the values listed in the table below:

Region	Soil test P (ppm) VPI & SU Soil test (Mehlich I) *
Eastern Shore and Lower Coastal Plain	135
Middle and Upper Coastal Plain and Piedmont	136
Ridge and Valley	162
* If results are from another laboratory the Department of Conservation and Recreation approved conversion factors must be used.	

- 1193 (2) The phosphorus crop removal application rates are set forth by regulations
- 1194 promulgated by the Department of Conservation and Recreation in accordance with
- 1195 § 10.1-104.2 of the Code of Virginia.
- 1196 b. Poultry waste may be applied to any crop at the standard rate of 1.5 tons per acre
- 1197 once every three years when:
- 1198 (1) In the absence of current soil sample analyses and recommendations; and
- 1199 (2) Nutrients have not been supplied by an organic source, other than pastured
- 1200 animals, to the proposed land application sites within the previous three years of the
- 1201 proposed land application date of poultry waste.
- 1202 c. Soil test recommendations can be used when:
- 1203 (1) Accompanied by analysis results for soil tests that have been obtained from the
- 1204 proposed field or fields in the last three years;
- 1205 (2) The analytical results are from procedures in accordance with ~~4VAC5-15-150 A 2~~
- 1206 ~~§ 4VAC50-85-140 A 2 f~~; and
- 1207 (3) Nutrients from the waste application do not exceed the nitrogen or phosphorus
- 1208 recommendations for the proposed crop or double crops. The recommendations shall
- 1209 be in accordance with ~~4VAC5-15-150 A 2 a~~ 4VAC50-85-140 A 2 a.
- 1210 d. A nutrient management plan developed by a certified nutrient management planner
- 1211 in accordance with § 10.1-104.2 of the Code of Virginia.
- 1212 2. The timing of land application of poultry waste shall be appropriate for the crop, and in
- 1213 accordance with ~~4VAC5-15-150 A 4~~ 4VAC50-85-140 A 4, except that no waste may be
- 1214 applied to ice covered or snow covered ground or to soils that are saturated. Poultry waste
- 1215 may be applied to frozen ground under the following conditions:
- 1216 a. Slopes are not greater than 6.0%;

- b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.
3. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:
- a. Distance from occupied dwellings: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer;
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
4. In cases where poultry waste storage is threatened by emergencies such as fire or flood or where these conditions are imminent, poultry waste can be land applied outside of the spreading schedule outlined in the Fact Sheet. If this occurs, the end-user or broker shall document the land application information in accordance with 9VAC25-630-70 A 3.
- D. Poultry waste end-users and poultry waste brokers shall maintain the records demonstrating compliance with the requirements of subsections B and C for at least three years and make them available to department personnel upon request.
- E. The activities of the poultry waste end-user or poultry waste broker shall not contravene the Water Quality Standards (9VAC25-260), as ~~amended and adopted~~ and amended by the board, or any provision of the State Water Control Law (~~§ 62.1-44 et seq. of the Code of Virginia~~).
- F. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

1251 **9VAC25-630-90. Commercial poultry processor activities.**

1252 A. Any commercial poultry processor who contracts with a poultry grower shall comply with  
1253 the requirements outlined in the following sections.

1254 B. For the purpose of this section, the commercial poultry processor's hired staff, contract or  
1255 company employed haulers, poultry catching crews, and feed truck operators are also considered  
1256 the commercial poultry processor.

1257 C. A commercial poultry processor who conducts typical farming activities on the contract  
1258 poultry grower's farm shall be responsible for cleaning up after such farming activities.

1259 1. Typical farming activities include the following:

1260 a. Releasing poultry into the poultry growing houses;

1261 b. Catching poultry for transport; and

1262 c. Filling feed bins.

1263 2. Typical farming activities do not include the routine washing of trucks owned, operated  
1264 or contracted by the commercial poultry processor.

1265 3. The introduction of water into the process of the typical farming activities is prohibited,  
1266 except in the following cases:

1267 a. When used for cooling the birds during the releasing and catching process; and

1268 b. When there is a disease outbreak or poultry health risk which requires clean up and  
1269 disinfection of the vehicles and catching equipment prior to entering and leaving the  
1270 farm.

1271 When water is introduced into the process, it should be done in a manner that does not  
1272 produce process wastewater.

1273 D. The commercial poultry processor shall clean up and properly dispose of, in a prompt and  
1274 efficient manner, any of the following materials that have been deposited or released by the  
1275 commercial poultry processor:

1276 1. Poultry waste,

1277 2. Feed, and

1278 3. Hydraulic fluids, fuels and oils used in machinery.

1279 E. Farming activities such as those listed in subsection C of this section shall be conducted  
1280 on impervious surfaces, where available, to facilitate the cleanup efforts.

1281 F. The commercial poultry processor shall submit an operation and maintenance manual that  
1282 outlines proper procedures to be used by the commercial poultry processor while commencing  
1283 with typical farming activities, as listed in subsection C of this section, on the contract grower's  
1284 farm.

1285 1. The manual shall at a minimum cover the following items:  
1286 a. The processor's procedures to carry out the typical farming activities,  
1287 b. Proper clean up and disposal of materials deposited or released during such  
1288 activities, and  
1289 c. Any additional information to ensure compliance with this section or determined to  
1290 be relevant by the Department.  
1291 2. The manual shall be submitted to the Department for approval within 60 days of the  
1292 effective date of this section.  
1293 3. Subsequent revisions to the manual shall be submitted to the Department for approval  
1294 30 days prior to making changes to the procedures outlined in the manual.  
1295 4. An individual commercial poultry processor may submit one manual to cover multiple  
1296 processing plants or complexes, where all procedures used are identical.  
1297 G. The activities of the commercial poultry processor shall not contravene the Water Quality  
1298 Standards (9VAC25-260), as adopted and amended by the board, or any provision of the State  
1299 Water Control Law.  
1300 H. Any duly authorized agent of the board may, at reasonable times and under reasonable  
1301 circumstances, enter any establishment or upon any property, public or private, for the purpose  
1302 of obtaining information or conducting surveys or investigations necessary in the enforcement of  
1303 the provisions of this regulation.  
1304 FORMS (9VAC25-630)  
1305 ~~Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management~~  
1306 ~~for Poultry Growers, RS VPG2 (rev. 07/10)~~  
1307 Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management  
1308 for Poultry Growers, RS VPG2 (eff. 12/20)  
1309 ~~Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management~~  
1310 ~~for Poultry Waste End-Users and Poultry Waste Brokers, RS End Users/Brokers VPG2 (rev.~~  
1311 ~~07/10)~~  
1312 Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management  
1313 for Poultry Waste End-Users and Poultry Waste Brokers, RS End Users/Brokers VPG2 (eff.  
1314 12/20)  
1315 ~~Fact Sheet, Requirements for Poultry Litter Use and Storage (rev. 12/10)~~  
1316 Fact Sheet, Requirements for Poultry Litter Use and Storage (eff. 12/20)

# VIRGINIA DEQ REGISTRATION STATEMENT FOR VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT FOR POULTRY GROWERS

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

**For DEQ Use Only:**Accepted: Yes ☐ No ☐

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

## 1. Poultry Grower Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street

City

State

Zip

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the poultry grower: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

## 2. Operator or Contact Person Information

Name: \_\_\_\_\_

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the operator or contact person: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

## 3. Farm or Facility Information

Farm Name: \_\_\_\_\_

Location: \_\_\_\_\_

Is this a contract operation? YES \_\_\_\_ NO \_\_\_\_ Commercial poultry processor/ Integrator: \_\_\_\_\_

Does the facility have an existing VPA permit? YES \_\_\_\_ NO \_\_\_\_ Permit Number: \_\_\_\_\_

Are new poultry growing houses under construction or planned for construction? YES \_\_\_\_ NO \_\_\_\_

Types of poultry and the maximum numbers of each type that will be grown at the facility at any one time:

Poultry TypeMaximum Number

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Identify the method of dead bird disposal: \_\_\_\_\_

4. **Attachments:** the following items must accompany this completed Registration Statement: (see instructions)
- a copy of the nutrient management plan approved by the Department of Conservation and Recreation (DCR).
  - a copy of the DCR nutrient management plan approval letter which also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.

5. **Certification:** "I certify that for any confined poultry feeding operation that proposes construction of new poultry growing houses, notice of the registration statement has been given to all owners or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted.

I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature

Printed Name

Date

## **REGISTRATION STATEMENT INSTRUCTIONS**

### **VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT FOR POULTRY GROWERS**

#### **General**

A Registration Statement must be submitted when a confined poultry feeding operation makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Poultry Waste Management. Contact the nearest DEQ regional office if you have questions about filing this form.

#### **Section 1 Poultry Grower Information**

Give the name, mailing address, telephone numbers and e-mail address of the person to whom this permit will be issued. Please provide the best day of the week and time for DEQ to make contact with the grower during regular working hours.

#### **Section 2 Operator or Contact Person Information**

If there is a person other than the grower who manages daily activities at the operation being permitted or who should be contacted for site visits, give that person's name, phone numbers and e-mail address. If these are the same as the grower information, write "SAME AS ABOVE". Please provide the best day of the week and time for DEQ to make contact with the operator or contact person during regular working hours.

#### **Section 3 Farm or Facility Information**

Give the name of the farm. Give the location for the confined poultry feeding operation other than the grower's mailing address (e.g. Rt. 653, 1 mile west of Rt. 702). Indicate whether the facility operates under a contract with a commercial poultry processor/ integrator. If applicable, give the name of the integrator. List the number of any expiring or currently effective permits issued to the poultry feeding operation under the VPA permit program.

##### **New Construction**

Indicate if you are building or plan to build new poultry growing houses at this operation. Note that growers who are building new growing houses must notify all owners or occupants of property bordering the operation, including land where litter will be spread, that they are applying for coverage under the general permit. This notice must include the types and maximum number of poultry on the operation and the address and phone number of the DEQ regional office to which they can send comments relative to the operation's ability to comply with the permit. DEQ must allow 30 days from the date you file the registration statement for comments to be submitted and considered. Failure to provide this notice to neighboring property owners/occupants will invalidate your coverage under the general permit if you are going to build new growing houses. The notice is not required if new houses are not going to be constructed.

This permit has the following restriction on the siting of new growing houses: "New, expanded or replacement poultry growing houses that are constructed after December 1, 2000 shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures."

##### **Animal Information**

Indicate the type of poultry (i.e. layers, broilers, pullets, turkeys, etc.) grown at this operation and the maximum numbers of each type that the operation will have at any one time.

##### **Method of Dead Bird Disposal**

Indicate how daily mortalities are disposed of. Note that while composting, incineration, rendering and burial are allowable methods of disposal under the Code of Virginia, operations that use burial for disposal of daily mortalities are not allowed coverage under the general permit. They will have to apply for an individual VPA permit. Contact DEQ for further information if you use burial for disposal of daily mortalities. Burial of entire flocks under §3.2-6002 of the Code of Virginia and burial of partial flocks under the Solid Waste Management Act (§ 10.1-1400) are allowed under the general permit.

#### **Section 4 Attachments**

##### **a. Nutrient Management Plan (NMP)**

State law requires that every poultry feeding operation seeking coverage under the VPA general permit have a Nutrient Management Plan. A copy of the operation's Nutrient Management Plan must be attached to the Registration Statement; however, if a current NMP is on file at the DEQ regional office then it is not necessary to attach the NMP.

##### **b. NMP Approval Letter**

A copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP and certifying that the NMP was developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia must be attached to the Registration Statement. However, if a current NMP approval letter is on file at the DEQ regional office then it is not necessary to attach the NMP approval letter.

#### **Section 5 Certification**

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

**VIRGINIA DEQ REGISTRATION STATEMENT FOR VPA GENERAL PERMIT  
FOR POULTRY WASTE MANAGEMENT  
FOR  
POULTRY WASTE END-USERS AND POULTRY WASTE BROKERS**

For DEQ Use Only:

Accepted: Yes ☐ No ☐

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

**1.  
Poultry  
Waste End-  
User or  
Poultry  
Waste  
Broker  
Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street

City

State

Zip

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the End-User or Broker: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

Primary activity to be covered under the general permit: ☐ Poultry Waste End-User ☐ Poultry Waste Broker

**2.  
Farm or  
Facility  
Information**

Location where the poultry waste will be utilized, stored or managed: \_\_\_\_\_

Does the facility have an existing VPA permit? YES \_\_\_\_ NO \_\_\_\_ Permit Number: \_\_\_\_\_

Is this a contract operation? YES \_\_\_\_ NO \_\_\_\_ Commercial poultry processor/ Integrator: \_\_\_\_\_

If confined poultry are located at the facility, indicate the types of poultry and the maximum numbers of each type that will be grown at the facility at any one time:

Poultry TypeMaximum Number

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. **Attachments:** the following items must accompany this completed Registration Statement: (see instructions)
- a copy of the nutrient management plan approved by the Department of Conservation and Recreation (DCR).
  - a copy of the DCR nutrient management plan approval letter which also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.

4. **Certification:** "I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature

Printed Name

Date



**REGISTRATION STATEMENT INSTRUCTIONS**  
**VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT**  
**FOR**  
**POULTRY WASTE END-USERS AND POULTRY WASTE BROKERS**

**General**

A Registration Statement must be submitted when a poultry waste end-user or poultry waste broker makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Poultry Waste Management. Contact the nearest DEQ regional office if you have questions about filing this form.

**Section 1            Poultry Waste End-User or Poultry Waste Broker Information**

Give the name, mailing address, telephone numbers and e-mail address of the person to whom this permit will be issued. Please provide the best day of the week and time for DEQ to make contact with the poultry waste end-user or poultry waste broker during regular working hours. Please indicate the primary activity to be covered under the general permit (i.e. Poultry Waste End-User or Poultry Waste Broker)

**Section 2            Farm or Facility Information**

Give a location for the operation where the poultry waste will be utilized, stored or managed (i.e. Rt. 653, 1 mile west of Rt. 702). List the number of any expiring or currently effective permits issued to the facility under the VPA permit program. Indicate whether the facility operates under a contract with a commercial poultry processor/ integrator. If applicable, give the name of the integrator.

**Animal Information**

If confined poultry are located at the facility, indicate the type of poultry (i.e. layers, broilers, pullets, turkeys, etc.) grown at this operation and the maximum numbers of each type that the operation will have at any one time.

**Section 3            Attachments**

**a.     Nutrient Management Plan (NMP)**

A copy of the operation's Nutrient Management Plan must be attached to the Registration Statement; however, if a current NMP is on file at the DEQ regional office then it is not necessary to attach the NMP.

**b.     NMP Approval Letter**

A copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP and certifying that the NMP was developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia must be attached to the Registration Statement. However, if a current NMP approval letter is on file at the DEQ regional office then it is not necessary to attach the NMP approval letter.

**Section 4            Certification**

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.



## FACT SHEET

# Requirements for Poultry Litter Use and Storage

You have received this fact sheet because you are the end user of poultry waste (dry poultry litter containing poultry manure and/or composted dead poultry) also referred to as poultry litter. As required by the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (9VAC25-630), poultry litter must be used in a manner consistent with this fact sheet or as specified in a nutrient management plan (NMP) prepared by a Virginia certified Nutrient Management Planner.

This fact sheet is intended to summarize the requirements and best management practices for land application of poultry litter as a source of crop nutrients. If poultry litter is to be used for purposes other than land application to crops (for example: animal feed or fuel), these uses may be subject to other laws or regulations. If poultry litter is to be used outside of Virginia, contact that state regarding their requirements.

## Storage Requirements

Poultry litter that is not immediately land applied must be stored properly. Poultry waste shall be stored in a manner that prevents contact with surface water and ground water. If poultry litter must be stored prior to use, the following criteria shall be followed:

- If litter is not stored under roof, the storage site must be at least:
  - 100 feet from surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and
  - 200 feet from any occupied dwellings not on the end-user's or broker's property (unless the occupant of the dwelling signs a waiver of the storage site).
- If stored outside longer than 14 days, the litter must be covered with an impermeable barrier that will resist wind.
- Do not store litter where the water table is less than 1 foot deep.
- If litter is stored in areas where the ground water table is less than 2 feet deep year round, install an impermeable barrier under the litter. Construct impermeable barriers using at least 12 inches of compacted clay, at least 4 inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second).
- Poultry litter must be protected from storm water runoff accumulating onto or under it.

## Soil Sample Collection

Where soil samples are necessary to utilize any of the methods described in this document the sample must be less than three (3) years old. A representative soil sample of each field is comprised of at least 20 cores randomly sampled throughout the field. Samples should be taken from the top 4 inches of soil where land is not tilled, or the top 6 inches of soil where land is tilled.

## Additional Information

This fact sheet provides basic information. For additional information regarding requirements for poultry litter management, please visit the DEQ website at: <https://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse/LivestockPoultry/VirginiaPoultryWasteManagementRequirement.aspx>. or toll free (in Virginia) at **1-800-592-5482**.

## Land Application Rate

The poultry litter application rate can be determined using one of four options:

### Option 1: Nutrient Management Plan

Poultry litter application rates based on a nutrient management plan can be used when the plan has been developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia. For assistance in locating a nutrient management plan writer consult the Virginia Nutrient Management Certified Planner Directory, available at: [http://www.dcr.virginia.gov/soil\\_and\\_water/documents/nmdir.pdf](http://www.dcr.virginia.gov/soil_and_water/documents/nmdir.pdf)

### Option 2: Standard Rate

Poultry litter may be applied to any crop at a rate of 1.5 tons per acre once every three years under the following conditions:

- 1) Nutrients have not been supplied by manure, biosolids, or other organic sources, other than pastured animals, to the proposed land application sites within the previous three years of the proposed land application date of poultry litter, and
- 2) In the absence of current soil sample analyses and recommendations.

### Option 3: Soil Test Recommendations

Litter application rates based on soil test recommendations can be used under the following conditions:

- 1) The soil sample has been taken in the last three years from the proposed field where litter will be applied.
- 2) Soil test recommendations have been provided by a laboratory whose procedures are in accordance with 4VAC50-85-140 A 2 f of the Department of Conservation and Recreation Nutrient Management Regulation. The list of laboratories that DCR approves the lab recommendations can be found at: <http://www.dcr.virginia.gov/soil-and-water/document/nmlablist.pdf>
- 3) Nutrients from the litter application do not exceed the nitrogen or phosphorus recommendations for the proposed crop or double crops. The recommendations are in accordance with 4VAC50-85-140 A 2 a of the DCR Nutrient Management Regulation. If the litter application rate is made to supply all of the future crop phosphorus needs, no additional phosphorus is to be applied during the rotation.

#### **Example for Calculating Poultry Litter Rate based on Soil Test Recommendation:**

Litter Application Rate (Tons per acre)	=	Soil Test P Recommendation Litter P Analysis
--	---	---

Corn crop needs: **120 lbs/acre Nitrogen** and soil test recommendation for **60 lbs/ac Phosphorus**

Poultry litter analysis: Available Nitrogen = **40 lbs/ton of litter**,  $P_2O_5$  = **50 lbs/ton of litter**

Three (3) Crop Rotation:	1 <sup>st</sup> Crop	+	2 <sup>nd</sup> Crop	+	3 <sup>rd</sup> Crop	Options
	Corn grain <b>60 lbs/ac P recommended</b> 1.2 tons litter		Wheat grain <b>60 lbs/ac P recommended</b> 1.2 tons litter		Soybeans <b>60 lbs/ac P recommended</b> 1.2 tons litter	<b>Apply 1.2 tons to each crop OR Apply only 3.0 tons litter to Corn (0.6 tons litter to Wheat or Soybeans)</b>

In this example, 1.2 tons of litter ( $60 \div 50$ ) will provide the 60 lbs of phosphorus needed for each crop with the nitrogen needs supplemented by commercial fertilizer. Alternatively, applying 3.0 tons of litter to the corn crop provides 150 lbs ( $50 \times 3$ ) of phosphorus for the rotation without exceeding the 120 lbs of nitrogen ( $40 \times 3$ ) needed by the corn crop. Litter used on the wheat or beans cannot exceed the total phosphorus needs of the rotation.

## Option 4: Phosphorous Crop Removal

Litter application rates based on phosphorus crop removal can be used when the soil test phosphorus levels do not exceed the values listed in Table 1. Table 2. is used to determine the pounds of P<sub>2</sub>O<sub>5</sub> removed per unit of harvested yield. As an example calculation using typical values, Table 3 represents litter rates calculated using a poultry litter analysis of: **40 lbs/ton N, 52 lbs/ton P<sub>2</sub>O<sub>5</sub>, and 53 lbs/ton K<sub>2</sub>O** along with average crop yields.

### LITTER RATE CALCULATION

$$\text{Poultry Litter Rate} = \frac{\text{Yield per acre (tons or bushels)} \times \text{P}_2\text{O}_5 \text{ removal per yield unit (lbs)}}{\text{Poultry Litter P}_2\text{O}_5 \text{ content (lbs per ton)}}$$

(Tons per acre)

<b>Table 1.</b> <b>Maximum Soil P</b>	<b>Mehlich I procedure</b>		<b>Mehlich III procedure</b>	
<b>REGION</b>	<b>P (lbs/acre)</b>	<b>P (ppm)</b>	<b>P (lbs/acre)</b>	<b>P (ppm)</b>
Eastern Shore & Lower Coastal Plain	270	135	506	253
Middle & Upper Coastal Plain & Piedmont	272	136	508	254
Ridge & Valley	324	162	562	281

**Table 2. Phosphorus Removed**

<b>Crops</b>	<b>LBS. P<sub>2</sub>O<sub>5</sub> Per Yield Unit (lbs)</b>	
<b>Row Crops</b>	<b>Grain - Bushels</b>	<b>Silage - Tons</b>
Corn	0.38	4.2
Wheat	0.51	4.2
Barley	0.40	5.1
Rye	0.45	5.6
Soybeans	0.89	10.0
<b>Forages</b>	<b>Hay - Tons</b>	<b>Pasture</b>
Fescue or Orchardgrass	16*	****
Bermudagrass	10.4*	****

<b>Table 3.</b> <b>Typical P<sub>2</sub>O<sub>5</sub> Removal Litter Rate</b>			<b>Poultry Litter Rate (tons/acre)</b>	<b>Nutrients supplied by Poultry Litter</b>		
<b>Crop</b>	<b>Yield (per Acre)</b>	<b>Nitrogen Needs of Crop (lbs/acre)</b>		<b>N (lbs)</b>	<b>P<sub>2</sub>O<sub>5</sub> (lbs)</b>	<b>K<sub>2</sub>O (lbs)</b>
Corn grain	120 bushels	120	<b>0.9</b>	35	45	50
Corn silage	17 tons	130	<b>1.3</b>	50	70	70
Wheat grain	80 bushels	100	<b>0.8</b>	30	40	45
Barley grain	80 bushels	80	<b>0.6</b>	25	30	30
Barley silage	8.0 tons	80	<b>0.8</b>	30	40	45
Rye silage	6.0 tons	100	<b>0.8</b>	30	40	45
Soybeans (dc)	25 bushels	0	<b>0.4</b>	15	20	20
Hay	3 tons	80	<b>1.0</b>	40	50	55
Pasture	n/a	60	<b>0.6</b>	25	30	30

### Notes for Table 2:

- 1.\* Use 1/2 of the yield from VALUES if planted in the spring, 0 if planted in the fall, to calculate crop removal for the establishment year.  
\*\*\*\* Productivity I & II - 30 lbs  
Productivity III - 25 lbs  
Productivity IV - 20 lbs
2. For double crops, add removal for each crop.
3. Additional crops - see Table 4-7 of the DCR Standards and Criteria at: <http://www.dcr.virginia.gov/document/standardsandcriteria.pdf>

**Example for Calculating Poultry Litter Rate based on P<sub>2</sub>O<sub>5</sub> removal:** Poultry litter analysis: Nitrogen = **40 lbs/ton**, P<sub>2</sub>O<sub>5</sub> = **52 lbs/ton**, K<sub>2</sub>O = **53 lbs/ton**  
Crop yields: Corn grain = **120 bushels**, Wheat grain = **80 bushels**, Soybeans = **25 bushels**  
**Three (3) Crop Rotation:**

$$\text{1<sup>st</sup> Crop} + \text{2<sup>nd</sup> Crop} + \text{3<sup>rd</sup> Crop} = \text{Litter Application Rate on 1<sup>st</sup> Crop}$$

In this example, Corn grain 0.9 tons + Wheat grain 0.8 tons + Soybeans 0.4 tons = 2.1 tons of litter will provide 84 lbs

of available Nitrogen to the corn crop. The corn needs an additional 36 lbs (120-84) of Nitrogen that must be supplied by commercial fertilizer. The wheat must also be provided with commercial Nitrogen fertilizer when that crop is actively growing. Litter cannot be used on the wheat or beans because the phosphorus has been supplied in the litter applied to the corn.

**2.1 tons litter applied to Corn**  
(NO litter applied to Wheat or Soybeans)

---

## Land Application Timing

The application schedule below shall be followed in cases where the land application is not being covered under a Nutrient Management Plan (NMP) - not using *Option 1. - NMP* to determine the land application rate.

CROP	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Corn												
Small Grain												
Hay or Pasture *												
Hay or Pasture **												
* Includes all cool-season grasses: fescue, orchardgrass (growth occurs in the cooler months of the spring & fall)												
** Includes all warm-season grasses: bermudagrass (growth occurs in the heat of the summer)												
	Poultry litter may be spread during these periods											
	Do not spread poultry litter during these shaded periods											

**Do not spread poultry litter more than 30 days prior to planting.**

**Poultry litter may be applied to frozen ground if all of the following conditions are met:**

- Slopes are not greater than 6%;
- A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- Only those soils characterized by USDA as "well drained" with good infiltration are used; **and**
- At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.

---

## Land Application Timing in Cases of Emergency

In cases of where poultry waste / litter storage is threatened by emergencies such as fire or flood or where these conditions are imminent, poultry litter can be land applied outside of the spreading schedule outlined in the Fact Sheet. If this occurs, the end-user or broker shall document the land application information in accordance with (9VAC25-630-70 A 3) summarized in the *Recordkeeping and Reporting Requirements Section - Land Application* on page 5 of this Fact Sheet.

---

## Land Application Setbacks

Do not spread litter within the following setback areas:

- 100 feet from wells or springs
- 100 feet from surface water without a permanent vegetated buffer\*
- 35 feet from surface water with a permanent vegetated buffer\*
- 50 feet from limestone outcroppings
- 25 feet from other rock outcroppings
- 200 feet from occupied dwellings (unless the occupant signs a waiver of the buffer zone)
- Litter shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

\* A vegetated buffer is a permanent strip of dense vegetation established parallel to the contours of and perpendicular to the dominant slope of the field.

---

## Recordkeeping Requirements

---

### Poultry Litter Transfers

Poultry litter transfers must comply with the criteria outlined in this fact sheet. All records must be maintained for at least three (3) years from the date of the transaction. The attached *End-User Poultry Litter Transfer Recordkeeping Form* is provided to meet the recordkeeping requirements of the end-user.

Provide to the litter source by the end-user:

1. Recipient Name & Signature
2. Recipient Address
3. Locality where litter will be utilized (nearest town/city, county and zip code)
4. Name of stream or waterbody nearest to utilization or storage site
5. Written acknowledgement of receipt of (1) the waste / litter, (2) the nutrient analysis, and (3) this fact sheet

Document for required records:

1. Source name
2. Source address
3. Source permit number (if applicable)
4. Date litter was received
5. Amount of litter received
6. Final use of poultry litter
7. Locality where litter will be utilized (nearest town/city, county and zip code)
8. Name of stream or waterbody nearest to utilization or storage site

---

### Land Application

Land application of poultry litter must comply with the criteria outlined in this fact sheet. All records must be maintained for at least three (3) years from the date of the land application date. The attached *End-User Poultry Litter Land Application Recordkeeping Form* is provided to meet the recordkeeping requirements of the end-user.

1. Nutrient analysis of litter
2. Maps identifying the land application fields and storage sites
3. Land application rate(s)
4. Land application date(s)
5. Crops planted
6. Soil test results (if obtained)
7. Nutrient management plan (if applicable)
8. Method used to determine the land application rate(s): (NMP, standard rate, soil test recommendations or phosphorus crop removal)

---

## Reporting Requirements

---

### Poultry Litter Transfers & Land Application Records

End-users shall submit the poultry waste transfer records and land application records required by 9VAC25-630-70 A1, A2 and A3 in accordance with the timing outlined below.

- (1) Beginning in the first year (2021) and continuing through the second year (2022) after the effective date of this regulation (2020), upon request by the department, the end-user shall submit the records in a format and method determined by the department; and
- (2) Beginning in the third year (2023) after the effective date of this regulation (2020), the end-user shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.

## End-User Poultry Litter Transfer Recordkeeping and Reporting Form

*This record must be maintained by the end-user for at least three (3) years from the date of the litter transfer.*

### SOURCE INFORMATION: Poultry Grower or Poultry Waste Broker

DEQ Registration/Permit #: \_\_\_\_\_

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

### SOURCE INFORMATION: Poultry Grower or Poultry Waste Broker

DEQ Registration/Permit #: \_\_\_\_\_

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

## End-User Poultry Litter Land Application Recordkeeping and Reporting Form

***This record must be maintained by the end-user for at least three (3) years from the land application date. If litter is not land applied, this information is not required to be documented.***

Date Litter Applied	Field ID	Number of Acres	Crop Planted	Nutrient Analysis of Litter (available N-P-K lbs/ton)	Tons of Litter Applied per Acre	Method Used to Determine Rate 1) NMP 2) Std Rate 3) Soil Test 4) P Removal

**In addition, the following items must be maintained for at least three (3) years from the land application date:**

1. **Field Maps:** a copy of the map with field ID for each field receiving litter
2. **Soil Tests:** If a soil test was obtained, a copy of the test result(s)
3. **NMP:** If an NMP was used to determine the application rate(s), a copy of the plan



Fwd Statutory Authority Certification - 9VAC25-630.txt  
From: Berndt, Cindy <cindy.berndt@deq.virginia.gov>  
Sent: Thursday, June 25, 2020 5:37 AM  
To: Betsy Bowles; David C. Grandis  
Subject: Fwd: Statutory Authority Certification - 9VAC25-630

Cindy M. Berndt  
Director, Regulatory Affairs  
Department of Environmental Quality  
1111 East Main Street, Suite 1400  
P.O. Box 1105  
Richmond, Virginia 23218  
804.698.4378

----- Forwarded message -----  
From: Grandis, David C. <dgrandis@oag.state.va.us>  
Date: Wed, Jun 24, 2020 at 10:10 PM  
Subject: RE: Statutory Authority Certification - 9VAC25-630  
To: Berndt, Cindy <cindy.berndt@deq.virginia.gov>

Cindy,

I have reviewed the proposed amendments to 9 VAC 25-630. In my view, the amendments are within the Board's authority and exempt from Article 2 of the APA pursuant to Va. Code § 2.2-4006(A)(8).

Thanks,  
David

David C. Grandis  
Senior Assistant Attorney General  
Office of the Attorney General  
202 North 9th Street  
Richmond, Virginia 23219  
(804) 225-2741 Office  
dgrandis@oag.state.va.us  
<http://www.ag.virginia.gov>

Fwd Statutory Authority Certification - 9VAC25-630.txt  
From: Berndt, Cindy [mailto:cindy.berndt@deq.virginia.gov]  
Sent: Wednesday, June 10, 2020 1:58 PM  
To: Grandis, David C.  
Subject: Statutory Authority Certification - 9VAC25-630

Attached are proposed amendments to 9VAC25-630 that staff intend to present to the Board at the June 29 meeting. We are asking for your review of the proposal and certification of the Board's authority to adopt the amendments and use the exemption of 2.2-4006 A 8 of the Administrative Process Act.

Cindy M. Berndt  
Director, Regulatory Affairs  
Department of Environmental Quality  
1111 East Main Street, Suite 1400  
P.O. Box 1105  
Richmond, Virginia 23218  
804.698.4378Error! Filename not specified.



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON June 29, 2020**

**MINUTE NO. 6 – Actions on the proposed amendments to the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management**

Betsy Bowles, the State Animal Feeding Operations Program Coordinator with the Office of Land Application Programs presented the proposed amendments to the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management, 9VAC25-630 et seq. Ms. Bowles explained that this amendment would allow the existing Regulation and General Permit for Poultry Waste Management to be reissued for another 10 year term. The VPA Regulation and General Permit governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys), and establishes utilization, storage, tracking and accounting requirements related to poultry waste, including that transferred from poultry feeding operations.

Mr. Robert Wayland asked if there are setback requirements when land applying poultry waste. Staff responded that yes, there are numerous setbacks but the distance depends upon the environmentally sensitive site.

**Board Decision**

The subsequent vote was taken by a roll call of the members of the Board. Ms. Jasinski recused herself from the discussion and vote.

Based upon the Board book briefing material and information provided by staff, the Board, on the motion by Mr. Timothy Hayes and seconded by Ms. Lou Ann Jessee-Wallace, voted 5-0, with Ms. Paula Hill Jasinski recusing herself, to accept the staff recommendation to:

1. Approve for public comment and hearing the proposed amendments to the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management as presented, and
2. Authorize staff to act as the hearing officer,

  
Melanie D. Davenport  
Director, Water Permitting Division

## Public Notice – Environmental Regulation

**NOTICE OF ACTION:** The State Water Control Board is considering the reissuance and amendment of a general permit through the amendment of a regulation on water quality.

**PURPOSE OF NOTICE:** To seek public comment through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses

**PUBLIC COMMENT PERIOD:** August 3, 2020 to October 2, 2020

**PUBLIC HEARING:** To address protective measures to help prevent the spread of COVID-19, electronic public hearings will be held via GoToWebinar teleconferencing on September 14, 2020 at 7 p.m. and September 16 at 9 a.m. DEQ will present details of the proposal at the beginning of each public hearing.

**GoToWebinar Instructions:** To attend and/or speak at the public hearing, you must register and follow instructions on ways to join the public hearing. To register for the one of the public hearings use one of the following links or copy and paste the address to your chrome web browser.

September 14, please go to <https://attendee.gotowebinar.com/register/1998009848523103248>

September 16, please go to <https://attendee.gotowebinar.com/register/673532644146132240>

An in person location may be added for this public hearing in the future. Notice of the decision on the availability of the in person option will be posted on DEQ's website at

<https://www.deq.virginia.gov/Programs/Water/Land/ApplicationBeneficialReuse/PublicNotices.aspx> and the Virginia Regulatory Town Hall website no later than 3 days prior to the public hearing.

**PUBLIC COMMENT STAGE:** Notice of Public Comment and Public Notice of Draft Permit

**REGULATION/PERMIT NAME:** Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management

**DESCRIPTION OF PROPOSED REGULATION:** The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys), and establishes utilization, storage, tracking and accounting requirements related to poultry waste, including waste that is transferred from poultry feeding operations. This rulemaking is proposed in order to reissue the existing general permit, which expires on November 30, 2020. The most significant amendments to this regulation are the addition of annual reporting requirements by the poultry grower and poultry waste end-user and the addition of a new section specifically to address activities performed by the commercial poultry processor on the contract grower's farm.

**HOW TO COMMENT:** DEQ accepts written comments by hand-delivery, e-mail, fax and postal mail. All written comments must include the full name and address of the person commenting. Written comments submitted by hand-delivery or postal mail must be received by DEQ no later than close of business October 2, 2020, and written comments submitted by fax or email must be received by DEQ no later than 11:59 p.m. on October 2, 2020. Oral comments are accepted at the public hearing. DEQ prefers that comments, including a copy of supporting documents or exhibits, be submitted in writing. All testimony, exhibits and documents received are part of the public record. More detailed information on the proposal is available at the Town Hall website at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) and by contacting the DEQ representative named below. The public may review the documents at the following location: Department of Environmental Quality, 1111 East Main Street, Richmond, VA 23219.

**CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION:** Betsy Bowles, at P.O. Box 1105, Richmond, VA 23218, email [betsy.bowles@deq.virginia.gov](mailto:betsy.bowles@deq.virginia.gov), phone 804-698-4059 or FAX 804-698-4178.

## **PUBLIC HEARING OPENING REMARKS**

### **Public Hearing for the adoption of the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management, 9VAC25-630**

**September 14, 2020**

**September 16, 2020**

Good afternoon. My name is Melanie Davenport and I am the Director of the Water Permitting Division at DEQ. I will serve as Hearing Officer for today's public hearing. Other staff present are:

Neil Zahradka, the Manager of the Office of Land Application Programs; and

Betsy Bowles, the State Program Coordinator for Animal Waste, Animal Feeding Operations and Concentrated Animal Feeding Operations with the Office of Land Application Programs

This Hearing is being conducted in compliance with Item 4-0.01 g of Chapter 1289 of the 2020 Acts of Assembly. As a result of the March 12, 2020 declaration of a State of Emergency due to Novel Coronavirus (COVID-19), Executive Order -51 (EO-51), subsequent executive orders EO-53 and EO-55, and in keeping with Governor Northam's temporary restrictions and direction to stay at home, this public hearing is being held via electronic communications through GoToWebinar.

If during the webinar you or your equipment, have or experience technical difficulties, please contact Kevin Vaughan at 804-698-4470 or email him at [kevin.vaughan@deq.virginia.gov](mailto:kevin.vaughan@deq.virginia.gov). His contact information will remain posted on the screen for the duration of this hearing.

We will be taping all public testimony for the official record.

The public record will close on Friday, October 2, 2020.

The State Water Control Board is holding this hearing to receive comments on the amendment and reissuance of the VPA Regulation and General Permit for Poultry Waste Management Virginia Administrative Code 9VAC25-630 and permit identifier VPG2.

This hearing was authorized by the State Water Control Board for this regulatory action at its June 29, 2020 meeting. Notice of this hearing was published in the Richmond Times-Dispatch on August 3 and August 10, 2020 and in the *Virginia Register* on August 3, 2020. This fact finding proceeding is being held pursuant to Section 2.2-4019 of the Code of Virginia.

The State Water Control Board will ultimately decide whether to approve the proposed regulatory actions. There will be no decisions made here today; they will be made at a future meeting of the Board. Please be assured that we will consider all relevant information that you present regarding the proposed regulations.

The general procedure for this hearing will be as follows: Betsy Bowles will make a staff presentation. After the presentation, I will ask if any member of the public would like to make a comment or statement about the general permit. We will do this as follows:

- Individuals who indicated a desire to speak when registering for the webinar will be called on first.
- Anyone else participating in the Webinar wishing to speak will be asked at a later time to use the “raise your hand” function on the GoToWebinar control bar that appears on your screen. Please do not raise your hand until asked to do so. Once you have raised your hand, please leave your hand raised until you are called on.
- When called upon to give your statement, you will be unmuted and you can begin to speak. Please state your full name and who you represent prior to making your comments. Please speak slowly and clearly so that your comments can be accurately and completely recorded.

If there are no objections, I will enter into the record the exhibits received to date for the proposed regulatory action by incorporating the exhibit list as Exhibit No. 1. Are there any objections? Please use the “raise your hand” function on the GoToWebinar control bar that appears on your screen if you have an objection.

Seeing none, they are so entered. The exhibit list is available on DEQ's website for your inspection.

At this time, I will call on Betsy Bowles.



Contact DEQ at 804-698-4470 or [Kevin.Vaughan@DEQ.Virginia.gov](mailto:Kevin.Vaughan@DEQ.Virginia.gov) if you have technical difficulties.

# Public Hearing - Poultry Waste Management

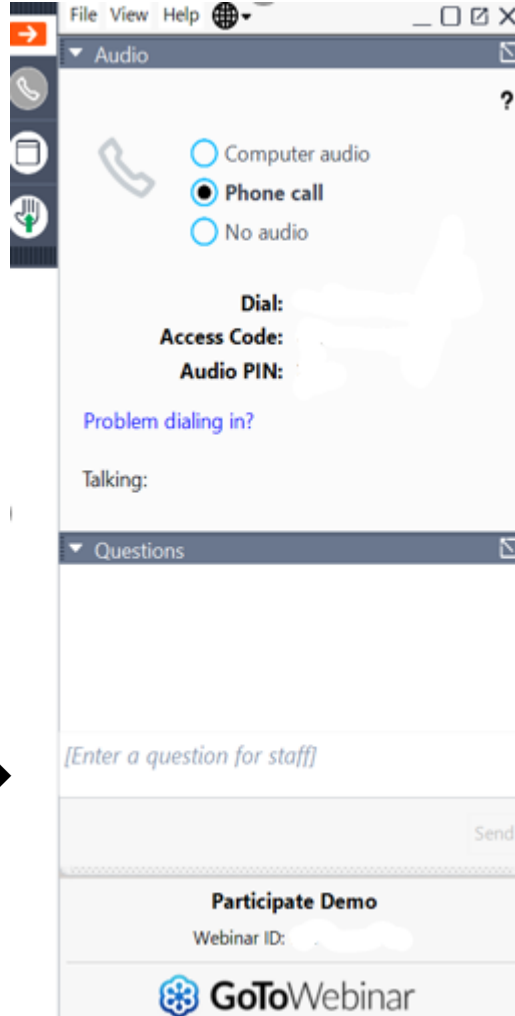
## PC/Laptop View

Minimize the control panel →  
or maximize the control panel ←

Raise or lower your hand →

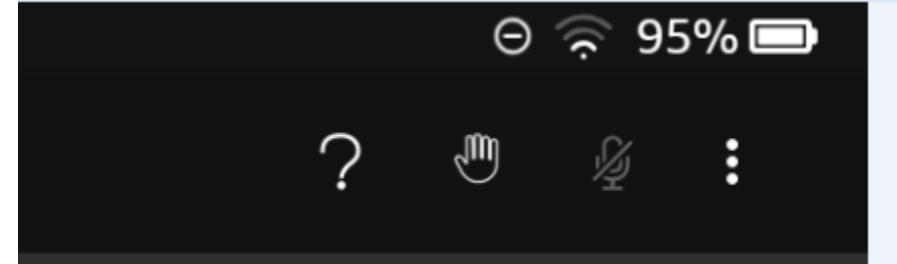
Select audio method ↗  
\*Phone call provides better  
quality audio

Enter questions then click send →



## Mobile Devices View

### Android



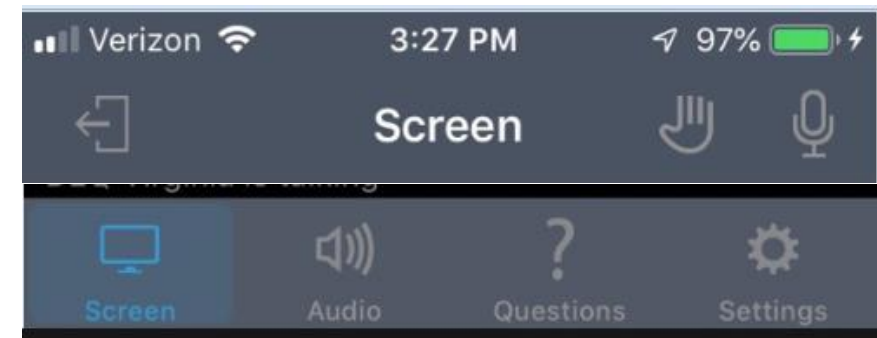
Enter Questions ↑

Raise ↑ Lower  
Hand

↑ Click 3 dots  
to open Audio  
Options

### iPhone

Raise ↓ Lower  
Hand



Audio Options ↑

Enter ↑ Questions



# DEQ is accepting Public Comments until October 2, 2020

Email: [Betsy.Bowles@DEQ.Virginia.gov](mailto:Betsy.Bowles@DEQ.Virginia.gov)

Mail: P.O. Box 1105, Richmond, VA 23218

Exhibit List and Exhibits can be found at:

[https://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse/  
PublicNotices.aspx](https://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse/PublicNotices.aspx)

If you experience technical difficulties, contact DEQ at:

804-698-4470

or

[Kevin.Vaughan@DEQ.Virginia.gov](mailto:Kevin.Vaughan@DEQ.Virginia.gov)



# **9VAC25-630-10 et seq. Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management**

## **Public Hearing Presentations-Proposed Amendments**

---

Betsy K. Bowles

Animal Feeding Operations Program Coordinator

Virginia Department of Environmental Quality

September 14 and 16, 2020

Contact DEQ at 804-698-4470 or [Kevin.Vaughan@DEQ.Virginia.gov](mailto:Kevin.Vaughan@DEQ.Virginia.gov) if you have technical difficulties.

# Statutory Authority

- § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program
- This section contains provisions that the Board must, at a minimum, include in its regulatory program for permitting confined poultry feeding operations under a general permit
- The statute also affords broad authority over the commercial poultry processor, poultry waste broker and poultry waste end-user related to poultry waste and nutrient management

# Background

- The VPA Regulation and General Permit for Poultry Waste Management covers pollutant management activities of the following:
  - poultry growers (owners of confined poultry feeding operations);
  - poultry waste brokers;
  - poultry waste end-users; and
  - commercial poultry processors
- Establishes storage, utilization, tracking and accounting requirements related to poultry waste (also known as poultry litter), including transferred poultry waste
- The VPA Regulation and General Permit does not authorize discharges to State Waters

## Background - continued

- First term became effective on December 1, 2000 and expired on November 30, 2010
- Second term became effective on December 1, 2010 and expires on November 30, 2020
- This regulatory action will provide for a third ten (10) year term of the regulation and general permit
- Currently, there are 954 confined poultry feeding operations in the Commonwealth covered under the general permit

## Current Requirements – Confined Poultry Operations

- Poultry growers that own poultry operations that confine 200 animal units (20,000 chickens or 11,000 turkeys) or more must obtain a permit
- The confined operation that does not discharge pollutants to State Waters can be covered under the VPA general permit

## Current Requirements – Permitted Poultry Growers

- The confined poultry feeding operation shall be designed and operated to prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm
- Poultry growers must:
  - monitor waste and soils (soils - only if land applying poultry waste on property under the control of the owner of the poultry operation);
  - implement a site specific nutrient management plan;
  - store and maintain poultry waste properly;
  - maintain land application records (when applicable); and
  - maintain poultry waste transfer records (when applicable)

# Current Requirements – Poultry Waste Brokers and End-Users

- Poultry waste brokers must:
  - register with the Department;
  - maintain and report poultry waste transfer records;
  - store and maintain poultry waste properly; and
  - maintain land application records (when applicable)
- Poultry waste end-users must:
  - maintain poultry waste transfer records;
  - store and maintain poultry waste properly; and
  - maintain land application records (when applicable)
- Brokers or end-users that do not comply with the technical regulations found in sections 60, 70 and 80 of 9VAC25-630 may be required to be covered under the general permit



# Current Requirements – Poultry Waste Storage (all entities)

- Waste storage capacity must be adequate to accommodate periods when the ground is:
  - ice covered;
  - snow covered;
  - saturated; and
  - when land application should not occur
- Storage prevents contact with surface water and ground water
- Storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain
  - unless the poultry grower has no land outside the floodplain and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures

## Current Requirements – Poultry Waste Storage (all entities) continued

- When poultry waste is stockpiled outside of the growing house for more than 14 days, the following conditions apply:
  - The waste shall be covered to protect it from precipitation and wind;
  - Stormwater shall not run onto or under the stored poultry waste;
  - The waste storage shall be separated from the seasonal high water table two feet, or one foot with impermeable barrier; and
  - For poultry waste that is not stored under roof, the storage site must be at least 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs

# Current Requirements – Poultry Waste Utilization

- Poultry waste generated by a permitted poultry grower may be land applied under a site specific nutrient management plan or transferred off-site to another entity.
- Transferred poultry waste must be utilized in accordance with the technical regulations found in section 80 of 9VAC25-630.
  - The technical regulations mirror the permit requirements related to land application timing and buffer setbacks.
  - The application rate can be established by one of the following methods: outlined in a nutrient management plan, using the standard rate of 1.5 tons per acre once every three years, soil test recommendations, and Phosphorus crop removal.

# Current Requirements – Poultry Waste Tracking and Accounting (all entities)

- Poultry waste that is transferred from a permitted poultry grower or poultry waste broker to an end-user or another broker is considered transferred poultry waste.
- When someone transfers 10 tons or more of poultry waste, the entities must record and maintain the following items:
  - date;
  - tons;
  - waste analysis;
  - locality where waste will be used or stored;
  - nearest stream or waterbody to land application or storage location,;
  - name and address of source and recipient; and
  - signature of recipient (end-user or broker).

## Current Requirements – Commercial Poultry Processors

- In accordance with the § 62.1-44.17:1.1. of the Code of Virginia the Commercial Poultry Processors shall file a plan under which the processor shall provide:
  1. technical assistance;
  2. education programs;
  3. provide a toll-free waste hotline;
  4. participate in the development of a transportation/alternative use equal matching grant program;
  5. conduct research on: reduction of phosphorus, innovative best management practices, water quality issues, or alternative uses; and
  6. conduct research on nutrient reduction strategies in feed.
- The Processor shall report annually on the activities pursuant to its plan.

# Regulatory Action - Public Participation Process

- Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register of Regulations on October 1, 2018
- 30-day public comment period ended on October 31, 2018
- The commenters requested to participate on the Technical Advisory Committee (TAC) and in favor of reissuing the general permit in 2020
- A TAC was formed to assist staff throughout this process.
- Four (4) public noticed TAC meetings:
  - March 25, 2019; July 18, 2019; October 19, 2019; and January 6, 2020

## Proposed Language (overview)

- Revise effective and expiration dates
- Add two definitions to Section 10 - Definitions
- Add language related to the commercial poultry processor's duty to comply
- Add and update citations found within the regulation and general permit related to the regulations for water quality standards and nutrient management
- Amend language in the section for authorization to manage pollutants and continuation of the general permit coverage

## Proposed Language (overview) - continued

- Reorganize conditions in Section 50 - Contents of the general permit
  - Separate conditions into three subject areas: site conditions, poultry waste transfer and utilization conditions, and other special conditions
- Revise to make minor technical changes and provide clarification to conditions in the regulation and general permit
- Revise both Registration Statements (permit applications) and the Poultry Litter Fact Sheet



## Proposed Language – Poultry Waste Storage (all entities)

- Add clarification that the Federal Emergency Management Agency (FEMA) floodplain delineation maps are the appropriate tools to determine the location of the floodplain when siting poultry growing operations and waste storage facilities
- Add new setback condition for siting temporary poultry waste storage
  - 200 feet from any occupied dwelling not on the permittee's property
    - unless the occupant of the dwelling signs a waiver of the setback
- Add new site condition to set standard to managed impervious surfaces such as concrete end pads or load out pads and surrounding areas and ventilation outlets in a manner so as not to cause a discharge to State Waters

# Proposed Language - Poultry Waste Utilization and Transfer

- Add “county” as a new item to the poultry waste transfer data recordkeeping (all entities)
- Add a phased in reporting requirement for the permitted grower, permitted broker and permitted end-user
- Add a new condition to clarify land application requirements in cases of waste storage emergencies (permitted poultry grower)
  - Allows land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as the land application information is documented and the Department is notified

## Proposed Language - Tracking and Accounting Requirement for Poultry Waste Brokers (Technical Regulations - Section 60)

- Add “county” as a new item to the poultry waste transfer data recordkeeping
- Amend recordkeeping timeframes for poultry waste transfers from a calendar year to a state fiscal year
- Amend reporting timeframes for poultry waste transfers from February 15 to September 15

## Proposed Language – Tracking and Accounting Requirements for Poultry Waste End-Users (Technical Regulations - Section 70)

- Add “county” as a new item to the poultry waste transfer data recordkeeping
- Add a phased in reporting requirement for the end-user

## Proposed Language – Commercial Poultry Processor Activities (Technical Regulations - Section 90)

- Add a new section to address activities performed by the commercial poultry processor on the contract grower's farm related to poultry waste and nutrient management
- The new section specifies and requires the commercial processor to do the following:
  - clean up and properly dispose of materials that are spilled in relation to activities in which the commercial processor performs, and
  - submit an operation and maintenance manual that outlines proper procedures to be used while commencing with typical farming activities

# Issues Where Consensus was Not Achieved with Members of TAC

- There were four (4) main issues where the members of the TAC did not agree:
  - temporary storage;
  - reporting of waste amendments;
  - permitted poultry grower reporting; and
  - poultry waste end-user reporting

# Temporary Storage

- Several TAC members recommended that staff consider amending the storage requirements to provide more flexibility for the grower and end-user.
- A proposal was drafted to allow an additional option for temporary storage of poultry waste including visual inspections and recordkeeping.
- The members of the TAC had comprehensive discussions during the TAC meetings over the proposed temporary storage requirements.

## Temporary Storage - continued

- The majority of the TAC members supported the amendments to the temporary storage with the additional inspections and recordkeeping
- Two (2) members stated that they would support the draft temporary storage amendments only if DEQ required permitted growers to report waste amendments
- Litter (poultry waste) amendments are widely used by the poultry industry for bird health and welfare to suppress ammonia releases while the birds are confined in the growing houses



## Temporary Storage - Proposed Language

- The proposal does not include an additional option for the temporary storage of poultry waste for two (2) reasons:
  - 1) the lack of research data related to typical field-size waste piles, and
  - 2) the uncertainty of how safe it is to extend the length of time for poultry waste to be uncovered

# Reporting of Litter Amendments

- In response to the draft proposal that provided an option for a slight extension of uncovered storage, two (2) TAC members recommended that DEQ require the reporting of waste amendment use, primarily related to ammonia loss during storage
- One (1) other TAC member was a supporter of the addition if credit could be received in the Bay model
- The other TAC members were opposed to requiring the reporting of waste amendment use

# Reporting of Litter Amendments – Proposed Language

- The proposed regulation does not include the requirement to report waste amendments for two (2) reasons:
  - 1) the lack of research data related to waste amendments and their effectiveness on ammonia volatilization on waste stored outside; and
  - 2) since the proposal does not include an extension of uncovered temporary storage, there is no need to require the reporting of waste amendment use

# Permitted Poultry Grower Reporting

- There was a recommendation from two (2) TAC members that DEQ require permitted growers to report poultry waste transfers
- Several other members of the TAC felt that adding a requirement to submit records is unnecessary, as DEQ receives this information during inspections and can request the data at any time as stated in the regulation

# Permitted Poultry Grower Reporting - Proposed Language

- The proposal phases in the requirement for the permitted grower to submit poultry waste transfers records and enables DEQ staff to produce a more timely tracking and accounting dataset of poultry waste movement
  - In 2021: submit on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department
  - In 2022 and thereafter: submit annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15

# Poultry Waste End-User Reporting

- There was a recommendation from two (2) TAC members that DEQ require end-users to report the records that the current regulation requires they maintain
- Several other members of the TAC expressed their concerns that requiring end-user reporting could result in potential end-users being reluctant to use waste, therefore causing a reduction in poultry waste transfers and the “stranding” of poultry waste on growers’ farms

## Poultry Waste End-User Reporting - continued

- During one (1) of the TAC meetings, staff in the DEQ Chesapeake Bay Program Office gave a presentation on the Bay model and credit given to specific best management practices
  - Based on that information and discussion, the grower and broker transfer records are sufficient to meet the Bay model requirements for poultry waste transfer
- However, two (2) members of the TAC felt that a requirement for end-users to report their records could be used to better characterize poultry waste utilization and compliance with the technical requirements

# Poultry Waste End-User Reporting - Proposed Language

- The proposal phases in the requirement for the poultry waste end-user to submit poultry waste transfers records and land application records
  - In 2021 and 2022: submit on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department
  - Beginning in 2023 and thereafter: submit annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15



# Public Comment Instructions:

- Individuals who indicated a desire to speak when registering for the webinar will be called on first.
- Anyone else wishing to speak will be asked at a later time to use the **“raise your hand”** function on the GoToWebinar control bar that appears on your screen. Please do not raise your hand until asked to do so. Once you have raised your hand, leave your hand raised until you are called on.
- When called upon to give your statement, you will be unmuted and you can begin to speak.
- Please state your full name and who you represent prior to making your comments.
- Speak slowly and clearly so that your comments can be accurately and completely recorded.

# DEQ is accepting Public Comments until October 2, 2020

Email: [Betsy.Bowles@DEQ.Virginia.gov](mailto:Betsy.Bowles@DEQ.Virginia.gov)

Mail: P.O. Box 1105, Richmond, VA 23218

Exhibit List and Exhibits can be found at:

<https://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse/PublicNotices.aspx>

If you experience technical difficulties, contact DEQ at:

804-698-4470

or

[Kevin.Vaughan@DEQ.Virginia.gov](mailto:Kevin.Vaughan@DEQ.Virginia.gov)